

JK

7125

1908

E82



Class JK 7125

Book 1908

Copyright N^o E 82

COPYRIGHT DEPOSIT.

A STUDY OF CIVIL GOVERNMENT

767
177

WITH SPECIAL REFERENCE TO OKLAHOMA

BY

CHARLES EVANS, B. S.

SUPERINTENDENT CITY SCHOOLS, ARDMORE, OKLA.

AND

CLINTON O. BUNN

OF THE ARDMORE, OKLAHOMA BAR.

COMPILER "CONSTITUTION AND ENABLING ACT
OF THE STATE OF OKLAHOMA
ANNOTATED AND INDEXED"

BUNN BROTHERS, PUBLISHERS
ARDMORE, OKLA.



JK712-5
1908
E82

LIBRARY of CONGRESS
Two Copies Received
JUN 17 1908
COPYRIGHT COPY
JUN 17 1908
CLASS A XXC: REC.
209886
COPY B.

COPYRIGHT 1908
BY
CLINTON ORRIN BUNN

PREFACE.

We believe this book has many strong features which will commend it to the schools of Oklahoma and the union.

First, it is Oklahoman, yet American. The conviction that our new state constitution is the best in the union is fast becoming settled, and in the consideration of state government it has been given a prominent place and exhaustively treated. The national government, however, has been elevated in the pupil's view as the supreme law of the land.

Second, it is adapted to every factor of the school: the pupil, the teacher and the home. To the pupil it is inductive, outlined, clearly indexed and annotated. In style it is simple and explanatory.

Too often in building a text we fail to clothe the skeleton of dry fact with the flesh and blood of human interest. We have earnestly striven to avoid that mistake here, and if we have done so we have especial claim to consideration at the hands of those who are seeking to build well for the public-school child.

It follows that to the teacher it extends the same virtues afforded to the pupil.

To the home it pays especial tribute. The family, school and all phases of local government have been deeply stressed, in order that boys and girls may have a proper conception of the home and its environment. Further, it should be a valuable addition to the family library, for while it has many other features of historical and governmental value, it contains in comprehensive form the only authenticated compilation of the state constitution, it being certified to by the secretary of state.

Third, it has sought by quotations, illustrations, songs and earnest language, to incite patriotic fervor. It is well to know of our government, state and national, but it is infinitely better to be proud of them and love them.

Fourth, and perhaps the strongest bid for favor, it embraces history never before recorded in a book. For an understanding of our state government, children should be told of the deeds and lives of men who led and are leading this twentieth century state into the ways which make for power and progress. This has been done by story, quotation and narrative.

Fifth, it is brief yet complete, thereby adapting itself to a study of four months or a year. A discerning teacher will find it sufficiently elastic to meet the simple requirements of a class in the seventh or eighth grade or the broader demands of a class in the senior year of high school. For example, in the study of state government, in the grammar school grades, the class might be confined to the introductory chapters on the state, while in the high school in a whole year's work the student may take up the state constitution by sections.

Few Civil Governments make the text replete and progressive by presenting the latest governmental growth of the nation, *Our Insular Possessions*. The importance of this feature will, we hope, be understood and appreciated by teacher and pupil.

With this brief outline of the scope of the work, we cherish the hope that it will lessen the labors of the teacher and stimulate and inspire in the pupil those exalted ideals so essential to civic righteousness and good citizenship.

THE AUTHORS.

Ardmore, Oklahoma, April 21, 1908.

CONTENTS.

CHAPTER	PAGE
Upon the Study.....	7
I. Introductory	11
II. The Family.....	17
III. The School.....	20
IV. The Civil District.....	27
V. The Town or Township.....	30
VI. Voters and Voting.....	35
VII. Party Machinery.....	39
VIII. The County.....	43
IX. The Village and City.....	47
X. The State.....	51
XI. The Constitutional Convention.....	59
XII. Constitution of Oklahoma.....	64
Article I. Federal Relations.....	65
II. Bill of Rights.....	66
III. Suffrage	69
IV. Distribution of Powers.....	71
V. Legislative Department.....	71
VI. Executive Department.....	78
VII. Judicial Department.....	81
VIII. Impeachment and Removal from Office	82
IX. Corporations	83
X. Revenue and Taxation.....	86
XI. State and School Lands.....	89
XII. Homestead and Exemptions.....	90
XIII. Education and Schools.....	90
XIV. Banks and Banking.....	91
XV. Oath of Office.....	92

XVI.	Public Roads, Highways and Internal Improvements.....	93
XVII.	Counties	94
XVIII.	Municipal Corporations.....	96
XIX.	Insurance	98
XX.	Manufacture and Commerce.....	98
XXI.	Public Institutions.....	99
XXII.	Alien and Corporate Ownership of Land	99
XXIII.	Miscellaneous	99
XXIV.	Constitutional Amendments.....	100
	Schedule	101
	Prohibition Article.....	102
XIII.	Federal and State Sovereignty.....	103
XIV.	The Nation.....	112
XV.	The Nation (continued).....	116
	The Territories.....	132
	District of Columbia.....	133
XVI.	Our Insular Possessions.....	134
ADDENDA	138
	United States Officials and Their Salaries...	138
	State Officials and Their Salaries.....	138
	Bureaus and Divisions of Executive Departments	138
	Questions upon the Constitution of Oklahoma	i

A STUDY OF CIVIL GOVERNMENT.

UPON THE STUDY.

Curriculum or Course of Study.—The curriculum of the schools of any land is what the experiences of a people have taught them to secure in early life, in order to escape suffering and to acquire success.

Natural Tendencies.—There are six great instincts for good, sociologists say, lying within every normal brain, and education can best and should proceed along these grooves. These are Health, Wealth, Knowledge, Sociability, Beauty and Righteousness. And it is encouraging to note how well the curricula of the schools have turned in the centuries their tendrils about these natural powers.

Each Study Feeding Certain Instincts.—Not reading, but knowledge, and the great means of obtaining knowledge, should we teach. Not spelling or getting words for mere time-consuming, but for making a formidable chain of the child's language, which makes for social strength. Not arithmetic for pestiferous reasons unknown, but to create the sense of estimates, that he may compute the value of a farm and library and note that wealth puts them both together. Grammar for parsing or tripping children by its entangling rules, no; but a study where speech is used and loved, because it is a passport to the society of success.

Civics Merges Into Righteousness.—And thus geography becomes knowledge; history becomes righteousness; physiology, health; and Civil Government, what? Undoubtedly with history, it forms a compendium of civic righteousness, as well as contributing liberally to sociability and knowledge.

Teach Civics of Active Men and Deeds.—This gives at once a viewpoint toward which all facts should be constantly led. Machinery of government should be taught. That is knowledge. But, by all means, the social influences working out the plan of government, and by greater means still, bring living, breathing responsible man to light at every turn.

Spice With Variety.—Is the home discussed? Then link emotions with intellect, by introducing great men like Gladstone, Roosevelt and Bryan, as homemakers and home lovers. If you care and know how to do it, sing John Howard Payne's "Home, Sweet Home," and if done with tender care, more home government would be taught thereby than can be estimated.

Civil Government a Thing of Life.—If the state is the theme, yet how and why men rule, but at the same time be sure you introduce the legislators, the executive and judges as vividly as possible. Would it not be excellent teaching, if every pupil of civics could be taken to the capital and there see some men and things as they are? This may not be done, and yet a fresh newspaper, breathing all the life of government of the last few hours, can and should be upon the desk of the teacher of Civil Government every morning.

Teacher Responsible.—Is Civics as a study dull? Then let us place the blame where it belongs, and never upon the pupil or the subject.

THE TEACHER.

First Requisite.—If it were our privilege to give to a teacher the first requisite, after a general competency had been proved, to teach Civil Government we should unhesitatingly give a nature that leaps and glows when the name of home, state or nation is uttered.

The Other Extreme Avoided.—Patriotism can be sustained by undemonstrative, formal minds, but it cannot be imparted to the young by them. Understand that equally as important as irradiation is overradiation. Too

often patriotism in some schools is turned by the effervescent teacher into "Pat-Riotism," but the idea is—

"Breathes there a man with soul so dead
Who never to himself hath said,
This is my own, my native land."

Current Events.—To this requisite we would add another: the habit of keeping informed daily about the events of the locality, the county, the state, the nation and the earth on which the teacher lives. There is no teaching of living Civics done by any other kind of soul. The atmosphere should fairly blaze with current events, bulletin boards, clippings and portraits of representative men and women.

Civil Government.—Third requisite: to have the teacher link the past with the present, by observing special occasions, which the world of feeling and life is observing. The best Civics lesson that could be taught was taught a whole school of five hundred, besides the representatives of many homes and the entire community, by stopping the round of routine and coming together in one great room to pay tribute to the murdered McKinley. Evils of anarchy, blessings of citizenship, reverence for home, state, nation, all, were sent to the center of half a thousand hearts. Not by speech-making citizens and teachers, but by well-prepared remarks of pupils.

THE PUPIL.

Keep the pupil active and receptive, by giving him things to write, to report, to outline, to debate.

Have him connect the old with the new, and vice versa. Let him connect Civil Government with his history, geography and everything. What can be said of Oklahoma geography and history which does not recall its struggle for government? Then why not do that? Have we no time? All the time in the world is at the disposal of the person who takes it.

Have him make Civics a thing of deeds and men; not facts and dates. When a constitution is studied, let us take time, by all means, to study the great leaders of men who fashioned it.

These suggestions arise not from theory, but from active teaching of Civics for several years, and superintendence of its teaching for many more. They are said in faith in the alert, aggressive American teacher; the active, receptive American child; and in the great nation of America.

CHAPTER I.

INTRODUCTORY.

Society Instinctive.—Those who closely observe animal life will discover that some are gregarious, or society-forming, while others are not. The ant, the gorilla and man are examples of the former, while the butterfly, the bear and tiger exemplify the latter. Man, then, by nature is a social being. He cannot exist apart from his fellows, any more than can the branch without the trunk.

Definition of Society.—Society, then, is inter-dependent. Where men come together in any place, district or nation, this mutual relation makes society. *Sociare*, the Latin verb, means “to meet together,” “to form associations; and *societas*, from which “society” is derived, means a “union” or “communion.” Thus we see that the United States is a vast society, because it was ordained and established, “to form a more perfect union” or communion.

Society Values.—This social instinct, like all other great common impulses, pushes man to greater excellence. For, upon looking closer, we find that only society-forming animals form governments. Each family finds need for an instructor for his children. Many families grouped together find it convenient and economical to concentrate their children in one building and have an instructor in common. For a while, the teacher is left to the control and support of all the families. But, in a little while, trouble ensues because it is discovered “that what is everybody’s business is nobody’s business.” The interested parties meet and organize in order that certain persons may control certain things about the school. Thus the blessings of organized society demand government.

Rights and Duties.—Our forefathers held that men possessed three inalienable rights: “life, liberty and the

pursuit of happiness." They call attention to these, because a selfish nation was trying to destroy some if not all of these rights. They had rights and it was plain duty to protect them from injustice. In the face of giant selfishness, the colonies banded together in order "to establish justice." This is the first duty of society.

Functions of Government.—If we have discovered the first duty of organized society to be to establish justice, and its second to create schools, roads and such factors of progress, and these duties are to be discharged only through government, then we are ready to define government. Government is the organization of society to secure these ends: justice and progress. Believing this, we see that society without government could not exist. Anarchy would reign supreme, every man a law unto himself, and then would come chaos. Man in most primitive states may not have had legislatures, governors and judges as we have them, but they exist in some fashion. Let us remember that "govern" springs from the Latin word *gubernare*, which means to steer a ship.

Government Supreme.—Thus we see that in its very nature government arises because of the need of the few to regard the needs of the many. It took the ratification of only nine colonies to make the government made by thirteen effective. Governmental mandates must be supreme. Society has no defense if its government is not obeyed.

Political Science.—If it were permitted in discussing government to classify its principles and in turn expose their virtues and vices, we should develop a political science, or a treatise on politics. Politics relates to the principles of government. In the abstract, such matters have no place in a work of this kind. But a few terms of political science are upon our lips every day, and it is our duty here to determine their meaning.

The State.—A great political writer says that "a state is a particular portion of mankind, viewed as an organized unit." In America the state has grown out

of historical, geographical and educative reasons. Historical, because certain migrations brought particular peoples to particular spots. Under different religious, political and material influences governments were established. Each became an independent colony, and after separating from England each became an independent state. Geographically, because different climatic conditions produce different products, these in turn giving rise to corresponding industries, demanding, in the end, different laws. Educational reasons, because the training of the Saxon mind has been toward one general end in government, to keep power in the people's hands. "Decentralization of government" has been the Englishman's political war cry. He makes the nation, but permits it to do nothing which the state can do for him. He makes the state, but creates the county, to bring the rights and duties of a citizen closer about his hearthstone.

The Nation.—Perhaps no prettier term is known to patriotism than the word "nation." It springs from the Latin word *nascor*, "to be born." Thus a nation is a people having a common ancestry, birthplace, language, traditions, customs, manners and civilization. The Jews, though scattered through the earth, in this sense are a nation. State and nation, in this sense, are in many cases synonymous; for England, Austria and Prussia, as states, each comprise a number of nations. Common interests seem to be the nuclei about which we group the idea of nation at times. The American colonies before the Revolution were called a nation, but never a state, while in this same sense, Canada is often styled a nation.

Kinds of Government.—Philosophers of ancient Greece divided governments into three classes: the monarchy, the democracy and the aristocracy. Whatever deductions may have been drawn from these forms since, they rest today as the best basis for division of governments.

Monarchy.—A monarchy is a government whose functions are chiefly vested in one person. This person

wears the name of king, queen, emperor, empress or prince. Monarchies are more numerous than all other governments put together. These are limited or absolute, according to limitations placed about the ruler.

Absolute Monarchy.—In an absolute monarchy there is no limit to kingly power. Life, liberty and property are at the command of the czar, shah and sultan. The last decade is showing a beginning of the end in this form of government.

Limited Monarchy.—In this form of government the people have placed about their ruler certain restrictions, as in England and Germany. The monarchy is usually restricted in the measure of the people's intelligence.

Hereditary Monarchy.—This is where the sovereign receives his right to rule from heirship, usually from his father.

Elective Monarchy.—Roumania, Greece and certain other countries have rulers elected by certain electoral princes or monarchs.

A Patriarchy.—This, as the name suggests, is that form of monarchy which rests the rule in a father of a family, at the head of a tribe.

Theocracy.—A theocracy is a government finding its existence in the mandates of a god. The Hebrews of old gave the world the truest form of this government.

Democracy.—A democracy is a government by the people. A pure democracy is a government conducted by the people in person. Athens of ancient day, and the New England town meeting of modern day, are examples of this.

A republic, or representative democracy, governs itself by representatives, chosen by the people. The United States is a democratic republic. Mexico, France and Brazil claim to be. This form of government is the product of modern times, the ancients knowing nothing of it. Its development is largely due to the Saxon or German mind.

Aristocracy.—This word, which springs from a Greek word meaning “best” or “select,” is applied to a government where the reins of power are held by a particular few. These few usually secure their power by trampling on the people’s rights. Rome just before the empire, Greece just before the republic, and Venice of the Middle Ages are types of this government. The aristocracy adjusted by a certain ten was called an oligarchy. However, this term became corrupted and was used for the word aristocracy.

Mixed Governments.—Some governments combine many elements. England, in its ruler, has a hereditary king; in its house of lords, it has the remnant of an ancient aristocracy; while, in its commons, its most potent factor, it has a republican body.

Dual Government.—There are two conspicuous forms of this sort of government: confederate and federal. A confederate government arises from laws set forth by states in league. It represents these states, and not the people. If supplies are needed, it asks the states for them, and each can furnish in its own way or refuse. A federal government is the creation of a nation “of the people, by the people and for the people.” “We, the people of the United States, do ordain and establish this constitution.” It acts directly upon the people.

CIVIL GOVERNMENT.

It can be well asked here, What is Civil Government? “Civil” is derived from the Latin *civia*, meaning “citizen,” which is closely related to *civitas*, meaning “state.” Therefore, Civil Government is the government of the state, and is marked by a state of civil society. In the best sense, it is a system of laws resting upon intelligence and moral force. It is to be distinguished from military government, or government by the army, and from savage tribes.

Constitutions.—All civil governments are based upon a constitution. A constitution is the supreme law of the

whole land. Some are written, as in America, while others rest upon precedents, customs and powers of certain authorities, as in England. These are called unwritten constitutions. Each has its virtues and likewise its weaknesses.

Governmental Growth; Evolution.—Political governments are like civilizations; not things of a day, but of growth. In brief time, growth is insensible. But, as slow as governmental wisdom and justice may be, they imply the use of means. Some of these are: universal education, patriotic interests, newspapers and magazines, agitation of public questions, political parties and a free ballot. This process is the sure and slow process of evolution, but it has never failed to give glorious results.

Revolution.—"When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another," if they are not enabled to do it by petition and remonstrance they must resort to arms. Thus our first fathers said and did, and so says all history. It is a violent means to better conditions, and is never excusable, save whenever all peaceable and just means have been employed without avail.

SUGGESTIVE QUESTIONS.

1. Where does society have its origin?
2. Define society and show how the United States is a society.
3. How is it shown that the blessings of society demand government?
4. What are some inalienable rights, and why so called?
5. What are the two great functions of government, and define the government upon that view.
6. Why must all government be supreme?
7. What is "politics," and why not discussed here?
8. Define a state and show some reasons for so many in the land.
9. Distinguish between a state and a nation.
10. What are the great kinds of government? State worth of each.
11. Why are there so many monarchies? Name five of the greatest.
12. Why is Russia an absolute monarchy and England a limited monarchy?
13. Why was the patriarchy adapted to the Hebrew people in Abraham's time?
14. What is an aristocracy, and what traces of that in our country?
15. What are some mixed forms of government used by certain nations, and how came this?
16. What are confederacies and federal unions? Give examples.
17. What is "civil government"?
18. What is a constitution and name some kinds?
19. Tell how governments grow.
20. What is a revolution?

CHAPTER II.

THE FAMILY.

“But where to find that happiest spot below
Who can direct, when all pretend to know?
The shuddering tenant of the frigid zone
Boldly proclaims that happiest spot his own;
Extols the treasures of his stormy seas,
And his long nights of revelry and ease:
The naked negro, panting at the line,
Boasts of his golden sands and palmy wine,
Basks in the glare, or stems the tepid wave.
And thanks his gods for all the good they gave.
Such is the patriot's boast, where'er we roam,
His first, best country ever is at home.
And yet, perhaps, if countries we compare,
And estimate the blessings which they share,
Though patriots flatter, still shall wisdom find
An equal portion dealt to all mankind;
As different good, by art or nature given,
To different nations makes their blessings even.”
—Goldsmith's “*Traveler*.”

THE DEAREST SPOT.

The dearest spot of earth to me,
Is home, sweet home;
The fairy land I've longed to see
Is home, sweet home.
There how charmed the sense of hearing,
There where hearts are so endearing,
All the world is not so cheering
As home, sweet home.

Chorus.

The dearest spot of earth to me
Is home, sweet home;
The fairy land I've longed to see
Is home, sweet home.
I've taught my heart the way to prize
My home, sweet home;
I've longed to look with lover's eyes
On home, sweet home.
There where vows are truly plighted,
There where hearts are so united,
All the world besides I've slighted,
For home, sweet home.
—W. T. Weighton.

Family the Basis.—The family is the primal government of man. Nature has made this so through the law of self-preservation. True, the way has been long, from the cave man, with his savage instincts, rude home and wild affection for mate and offspring, to the modern gentleman, with his education, his refined home and true love for wife and child. But the same elements ever appear.

The Father.—There is the father, whose position has been to defend from all trespass and wrong; to support with raiment, food and shelter; to give to the child all the training that may be needed to develop it into a being stronger than himself. To this end, the primitive nature of man shapes all things.

The Mother.—The mother, whose mission has been to nurse, to instruct and supply all those elements of love and self-sacrifice, appears and makes home the one spot on earth.

The Child.—But the center of the home, and the reason for its existence, is the child. The plan, the toil and hope of the father; the love, the nourishment and self-sacrifice of the mother—all find their force in the child. Out of these happy conditions nature demands, at all times, one flower to grow, and that, love and gratitude of children for father and mother.

Children's Love of Father.—If the duty of the father is to defend, to support, it is his right to expect respect for his life, obedience to his commands and other assistance from his child. Let it be understood that every son and daughter owes a debt of love and gratitude to a good father, that a lifetime is too short to repay. If it be the duty of the father to educate, certainly a deeper, corresponding duty rests upon the child to take the education offered. What woe and misery attend children who wantonly turn away from parents offering them an education.

Children's Devotion to Mother.—If it be the privilege of a mother to sacrifice for the child, what child would deny her the right of respect, love and implicit obedience? If it is the duty of the mother to nourish a child in its dependence, then it is the child's imperative duty to be her staff in her declining strength.

Importance of Home.—Of all the factors which go to make a nation, the home is the greatest by far. Give homes of sober, industrious fathers, building with firm hands and loving hearts their children's characters, place

about this the grace of earnest, religious motherhood, and we shall have a country equal to every trial.

Grady's View.—Here is a picture of the true home of America by that master patriot, Henry W. Grady. Read and preserve:

"A few Sundays ago I stood on a hill in Washington. My heart thrilled as I looked on the towering marble of my country's capitol, and a mist gathered in my eyes as, standing there, I thought of its tremendous significance and the powers there assembled, and the responsibilities there centered—its presidents, its congress, its courts, its gathered treasure, its army, its navy, and its 60,000,000 of citizens. It seemed to me the best and mightiest sight that the sun could find in its wheeling course—this majestic home of a republic that has taught the world its best lessons of liberty—and I felt that if wisdom, and justice, and honor abided therein, the world would stand indebted to this temple on which my eyes rested, and in which the ark of my covenant was lodged for its final uplifting and regeneration.

"A few days later I visited a country home. A modest, quiet house sheltered by great trees and set in a circle of field and meadow, gracious with the promise of harvest—barns and cribs well filled and the old smokehouse odorous with treasure—the fragrance of pink and hollyhock mingling with the aroma of garden and orchard, and resonant with the hum of bees and poultry's busy clucking—inside the house, thrift, comfort and that cleanliness that is next to godliness—the restful beds, the open fireplace, the books and papers, and the old clock that had held its steadfast pace amid the frolic of weddings, that had welcomed in steady measure the newborn babes of the family, and kept company with the watchers of the sick bed, and had ticked the solemn requiem of the dead; and the well-worn Bible that, thumbed by fingers long since stilled, and blurred with tears of eyes long since closed, held the simple annals of the family, and the heart and the conscience of the home. Outside stood the master, strong and wholesome and upright; wearing no man's collar; with no mortgage on his roof and no lien on his ripening harvest; pitching his crops in his own wisdom, and selling them in his own time in his chosen market; master of his lands and master of himself. Near by stood his aged father, happy in the heart and home of his son. And as they started to the house the old man's hands rested on the young man's shoulder, touching it with the knighthood of the fourth commandment, and laying there the unspeakable blessing of an honored and grateful father. As they drew near the door the old mother appeared: the sunset falling on her face, softening its wrinkles and its tenderness, lighting up her patient eyes, and the rich music of her heart trembling on her lips, as, in simple phrase, she welcomed her husband and son to their home. Beyond was the good wife, true of touch and tender, happy amid her household cares, clean of heart and conscience, the helpmate and the buckler of her husband. And the children, strong and sturdy, trooping down the lane with the lowing herd, or weary of simple sport, seeking, as truant birds do, the quiet of the old home nest. And I saw the night descend on that home, falling gently as from the wings of the unseen dove. And the stars swarmed in the bending skies—the trees thrilled with the cricket's cry—the restless bird called from the neighboring wood—and the father, a simple man of God, gathering the family about him, read from the Bible the old, old story of love and faith, and then went down in prayer, the baby hidden amid the folds of its mother's dress, and closed the record of that simple day by calling down the benediction of God on the family and the home!

"And as I gazed the memory of the great capitol faded from my brain. Forgotten its treasure and its splendor. And I said, 'Surely here—here in the homes of the people is lodged the ark of the covenant of my country. Here is its majesty and its strength. Here the beginning of its power and the end of its responsibility.' The homes of the people: let us keep them pure and independent, and all will be well with the republic!"

SUGGESTIVE QUESTIONS.

1. What are some mutual duties of father, mother and children?
2. How may a child show a parent gratitude?
3. What is the duty of the child to parents in poverty and old age?
4. Outline the family.
5. What do the great religions teach about respect for parents?

QUESTION FOR DEBATE.

Resolved, That age is more respectful of children than children are of age.

CHAPTER III.

THE SCHOOL.

THE SCHOOLHOUSE STANDS BY THE FLAG.

Ye who love the republic remember the claim
Ye owe to her fortunes, ye owe to her name,
To her years of prosperity, past and in store.
A hundred behind you, a thousand before.
 'Tis the schoolhouse stands by the flag,
 Let the nation stand by the school;
'Tis the school bell that rings for our liberty old.
'Tis the schoolboy whose ballot shall rule.

The blue arch above us is liberty's dome;
The green fields below us equality's home;
But the schoolroom today is humanity's friend,
Let the people, the flag and the schoolhouse defend.
 'Tis the schoolhouse stands by the flag,
 Let the nation stand by the school;
'Tis the school bell that rings for our liberty old.
'Tis the schoolboy whose ballot shall rule.

—Hezekiah Butterworth.

Governments Met.—The American child, in taking his way into citizenship, meets these governments: The home, the school, the district, the county, the state and the nation. If he lives in a town or city he must add a seventh to the sixth.

School Defined.—At about the age of 6 the child is pointed to the schoolroom, and upon entering there begins life under school government. A school is an institution created by man for systematic self-improvement. It is as old as history; for "that control should be intelligent" is older than Plato and is denied by no people.

Three Kinds.—There are many sorts of schools; but, taking their name from their management, the private, the parochial and public schools are the most prominent. A private school is one under the control of one or several individuals, whose personal support gives it existence and direction. Many fine academies and colleges are of this class. The parochial school, as its name implies, is ruled by some church. Many of the great institutions of the land come under this class.

The Public School a State Institution.—But the public school, with which our country has most to do, is as suggested by its name, a school created and controlled by the people. The people, supporting and maintaining the public schools in America, have always been the state. The United States has never taken the public-school business upon its hands. It has made some large and generous grants to state colleges and other institutions of higher learning for public purposes; but, further than that, it has not gone.

The Need of Public Schools.—Public education is insisted upon because it is the foundation of the commonwealth. Over a thousand years ago Charlemagne required that the children of all persons taking part in the government should be educated, in order that intelligence might rule the empire. That belief prevails today in every American state.

The School District.—A school district is a defined portion of a town, city or county laid off for school purposes. It is the unit of educational work. Within it a school is maintained, partly by funds from the state and the county or district. The state demands of every citizen assistance in giving its children means of acquiring a plain English education, and, in turn, makes an effort to so district the county as to place a school within reach of every child.

The Basis for District Making, Past and Present.—The old-time cry was, “Take your school building to the child.” This made the school district in town and city of convenient size, perhaps. In the country it often stretched the district many miles, and then, not embracing sufficient property, the children came to barren rooms and poor teachers. The late cry of progress is, “Take the children to the school”; so, using wagons and teams, they have thrown several of the “pauper” districts together, and, with increased taxes, a modern building is erected, presided over by well-trained teachers, good equipment is had, enthusiasm grows out of numbers and life everywhere abounds.

School Officers.—The officers of a public school are the trustees, or directors, and teacher, and, back of these, the county superintendent, state superintendent, the board of education, etc.

School Trustees.—The trustees, or directors as they are often called, are most often elected by the qualified voters of the school district, but sometimes are appointed by the county superintendent. In many states there are three, chosen for the rural school, while the cities have a larger board. Their terms of office vary in the several states. Some states have the "county unit" system, where the township furnishes the candidate for director, but the whole county elects.

Trustee's Duties.—The duties of a trustee or director are to fix school boundaries, to make rules and regulations which they may think best, to elect the teacher, to regulate his salary, to define the course of study, if it be not fixed, to maintain the school property, to visit the school, to purchase equipment, to hold school elections, to take the school census and similar duties.

The Teacher.—The teacher is the most important official of the school system, because the old maxim, "As is the teacher so is the school," marks her place precisely. After the teacher enters the schoolroom almost all authority is given her. *In loco parentis*, "in place of the parent," expresses the force and dignity with which her station is clothed. And it is a great tribute to the common sense of the American people in choosing teachers, as it is to the teachers themselves, to know that only in the rarest instances is this authority of the teacher abused.

Legal Duties of a Teacher.—Some of the duties of a teacher are: to furnish a legal certificate of efficiency in certain school branches. In Oklahoma and many progressive states of every section, this standard is high, embracing, for first-class certificates, reading, writing, spelling, grammar, arithmetic, geography, history, civics, physiology, composition, agriculture, literature and book-keeping. She must make a contract with the board of

directors; she must submit to legal restrictions of school work as to length of day and nature of curriculum; she must keep a register and make a monthly report of her work; she must maintain discipline and give competent instruction.

The worthy teachers of this country—and there are scarcely any others—do not pause at these posts of duty, but go on, taking the children into fields of happy toil where real character is found. They read, they think and sacrifice—if it may be called that—to give their pupils better than they were given.

The Pupil.—If the teacher has duties and rights of supreme moment in the school, what should be said of those of the pupils for which the school is made?

Pupil's Duties.—The law makes it imperative that the pupil shall obey the teacher; that the pupil is responsible to the school and teacher for all actions on passing to and from school. The most progressive states are taking the position that the state may not only educate, but that it must educate. Therefore, in order to have the pupil in school, compulsory attendance is enforced. The people of the new state of Oklahoma believe in education to that extent and they sent men to the constitutional assembly, who wrote this into their constitution. It will be a tribute to Oklahoma as long as history is read.

Rich Legacy to Oklahoma Child.—If these restrictions are placed about the children of Oklahoma, it is only after their interests are radically protected. Millions of acres of public domain are set aside for their education; the most progressive features of modern education are encouraged and supported, foremost among these, the right and necessity of local taxation for support of schools; the consolidated district and county high school. These rights and privileges are given by Oklahoma's lawmakers, and in time this state is destined to lead all others in education.

Moral Obligations of Patrons.—The home is to support the school by taxing itself for building schoolhouses, hiring teachers and purchasing apparatus. But this is

not all. The parents have moral obligations greater than any of material sort. Schoolrooms may be ever so well equipped and teachers therein ever so competent, yet it avails nothing if the parents are not impressed that it is nothing short of crime to create in their sons and daughters weakening school habits. Some of these are excuses for absenteeism, tardiness, disobedience and lack of respect for teacher. Let it be understood that when these things disclose their malignant heads, some parent has been negligent in duty.

The County Superintendent.—The county superintendent is an officer that most states use to supervise all public schools of the county. The demand is usually made that one holding this position must have a certain teaching experience, pass a required examination or hold a diploma from some reputable normal, college or university. They are elected by the qualified voters of the county, and in many states the electors are choosing women to hold this office. In Kentucky, Minnesota and Oklahoma a large percentage of county superintendents are women.

Women in Education.—This is a deserved tribute to the general interest women have ever taken in education, and the peculiar power and aptitude they have displayed in the schoolroom. In Colorado, Kansas, Oklahoma and other states, school suffrage is granted women, and it is splendid to note that while never extensively used, yet it has never been abused.

Duties of County Superintendent.—The county superintendent, elected for two years, has obligations to visit the schools, advise as to methods and course of study, decide school boundaries, condemn school buildings, receive school money from the state and pay it out, hold examinations for county teachers, keep all records of certificates, school taught, money expended, etc., and make reports of all this to the people and state superintendent of public instruction annually.

True County Superintendent.—The work of the county superintendent is constructive. He should be not

merely an adviser or office-keeper, but a leader of educational thought, an inspirer of the teacher, a wielder of a trenchant pen, an informer through the press, and a person of great integrity—one whose educational cry is, “Nothing too good for the children of the people.”

The Educational Head.—At the head of the public education in the state and, in these active times, a direct factor in the life of every school, is the superintendent of public instruction of the state. He is one of the executive cabinet of the state, elected by the voters thereof usually, though sometimes appointed. His length of term is the same as that of other state officers, and his duties are manifold.

Some Duties of State Superintendent.—He is the guardian of all the financial interests of the state schools. The auditor and treasurer, guided by his warrants, pay out through him all school money. He advises the state legislature of educational needs of the state, and his words are weighty with them concerning needed school legislation. He is *ex officio* chairman of the state board of education and state board of examiners. The first, in Oklahoma, consists of the governor, secretary of state, attorney-general and superintendent of public instruction; while the second is made up of progressive teachers appointed by the board of education. He is the final arbiter of all school disputation in the state, having the power to call upon the attorney-general for a construction of the law upon all school points.

What He Should Be and Is.—He should be and, with rare exception, is a man of established prestige as a leader, an educator and a godly man. The mighty personality of the state superintendents in America is the greatest tribute to the status of civilization in this land that can be found.

Details Not Here.—There is no chance here to develop details of the state school system. The cities in themselves have systems of public schools that cost the people thousands of dollars. Then there are at the command of

the teachers, state normal schools, erected and maintained by the state for the chief purpose of training teachers for life work in school room. Oklahoma has three, with grounds and equipment, costing a half million dollars. Not content with this, three more are to be established.

The State University.—At the head of the public-school system of the state stands the state university, with its departments of liberal arts, science, electrical and mechanical engineering, medicine, law, etc. It beckons the children to come, after completing a high-school course, and make themselves truly capable. Tuition is free and living is made inexpensive to every pupil of the state deserving to enter. Not a boy or girl but that may and should cling to the aspiration of entering and completing a university course.

SUGGESTIVE QUESTIONS.

1. What is a school?
2. Name some great private and parochial schools.
3. Why should the state rather than the nation educate?
4. What are some qualifications for school trustee?
5. What steps must a person take to secure a school?
6. Why is a teacher granted great power?
7. What are some moral obligations of patrons?
8. What is your school curriculum and how adopted?
9. What permits women to be more active in this government than in some others?
10. What composes the school funds of Oklahoma?
11. Make comparisons with other states in school funds, length of term, salary of teacher, etc.
12. Give requisites of county superintendent.
13. Who are some high school officials? give duties of each.
14. Who is the man in charge of the department of education, and what has he done for education in the state?
15. What and where are the state normals?
16. What are some inducements offered by the state university to pupils of the state?

QUESTIONS FOR DEBATE.

1. *Resolved*, That compulsory education is not practical and not best.
2. *Resolved*, That trustees should be paid a salary, and then impose a penalty for lack of duty.
3. *Resolved*, That no school should exist without two teachers, and it is best to merge districts until three or more teachers are demanded.

CHAPTER IV.

THE CIVIL DISTRICT.

Civil District.—Continuing the study of government from simpler to the complex forms, the civil district should be next considered. The civil district arose in those portions of the south where the population was sparse or, at least, marked by an absence of towns. Here the people must have some medium for applying state law, so the county was divided into convenient districts. Due to the fact that the people could not collect together so easily as in the town of New England, the machinery of government was far simpler than the town government there. The civil district of Virginia, Kentucky and other states of the south had but two important officials: the magistrate and constable.

Now, the township of the west is a growth from either the civil district of the south or the town of New England, or from a union of both.

Met at Twenty-One Actually.—In the school government is adjusted to its members without consent, but when the school boy reaches the age of 21 he for the first time becomes a real citizen—one who can exercise the right of suffrage and in doing so becomes an integral part of the nation.

Five to Twelve Make a County.—In looking about him this new citizen will note that the county has been divided into districts, from five to twelve, the number depending upon population, size of county and features of convenience.

Laws Made Elsewhere Applied Here.—Here voting boundaries are set and laws of the state and county are brought to the doors of the people. That was the idea in ancient Greece, where the people boasted that where the law was applied, the law was made. That could take

place in Greece or in Rhode Island, but in commonwealths as large as the greatest European empires, this is forbidden; so our lawmakers sit in capitals far removed from the people and make laws that must be applied through the district, township and county.

Sacred Regard for District or Township Ballot.—Here we should stop to take solemn regard for duty. If the American citizen cannot be on guard at capitals, where the laws are made, it is a matter as profound as liberty and love for country that he go to the ballot box in the district and determine his representative lawmaker. All other duties of American citizenship pale into insignificance beside the intelligent and free use of the ballot. It is becoming a fixed belief, and every American youth should subscribe to it, that the only man in this country who should be deprived of his ballot is the one who for false reasons fails to use it. Election days may or may not be school holidays, but no school in the land is worthy of respect which does not devote all means in its power on that day to impress its pupils with the privilege and power of the freeman's ballot.

Law Close to People.—As has been said, the civil district brings the distribution of the law, and hence justice, closer to the doors of the people. Local courts are held and speedy trials for minor suits and offenses are secured. The superior courts are relieved of small details.

Executive and Judicial Only.—The functions of the district are strictly executive and judicial. No legislative power is given it. All laws come from without. The simple yet important application of law is made through the magistrate and his court. The magistrate is elected by the legal voters of his district, though in some states appointed for a specified term, usually from two to four years. He is required to give bond for performance of duty and subscribe to a constitutional oath.

Magistrate's Work.—His court may be held upon his calling it, but sessions every quarter year must be held. He may issue warrants for arrest upon sworn state-

ments; he may try, with aid of juries, persons guilty of breaches of the peace; he may try civil suits where the amount involved does not exceed one hundred dollars—in some states more, in others less; he may issue bond for lawless characters to keep the peace. Justices often preside at inquests instead of coroners, and in some states assume all the duties of a coroner. Sitting as a court, magistrates may weigh evidence in murder cases. This is called an examining trial, and jurisdiction extends no further than a verdict of guilty or innocent and a remand of the cause to the higher court.

Important Office.—From this list of duties it will be readily seen that a magistrate should be honest, brave and a reasonably well-educated man. He is the closest guardian of our homes and rights. His power is best displayed perhaps in times of riot or mob violence, when at his word every citizen can be drafted to secure peace, even at the expense of life and limb.

The Constable.—There is a constable to wait upon the magistrate's court. He serves subpoenas, writs, makes arrests and often is used by the district as collector of fines, taxes, etc. His services are not always limited to the magistrate's court.

Rights and Duties Mutual.—Rights and duties are mutual. If the citizens of the district have a right to all the protection and aid which the magistrate and executive officers can offer, then it is their duty to cheerfully sustain and support those officers in every way. This may be best done by obeying the law and extending to all the same rights and privileges as may be claimed for themselves.

SUGGESTIVE QUESTIONS.

1. What is the need of the civil district?
2. What is the sacred privilege awaiting the school boy at the point where he becomes a participant in district government?
3. What ancient government used magistrates, and what were their duties then and now?
4. What do you think of the qualifications for magistrate in your district?

QUESTION FOR DEBATE.

Resolved, That a magistrate should obtain a lawyer's license before he holds office of magistrate.

CHAPTER V.

THE TOWN OR TOWNSHIP.

In government, as in other matters, confusion is created by careless use of terms.

District, Township and Town Distinguished.—"District" is often used synonymously with "township" or "town," but not always is this correct. For, while in the south the district frequently takes the place of township, yet in the east and west the township plays an entirely different part in government. In the east it is a more important division than the county, while in the west it is inferior to the county, but superior in its functions to the district of the south.

Purpose of Township.—It has been said that "eternal vigilance is the price of liberty." This is but one way of saying that a sensible people will keep the making, the interpreting and execution of their laws as close in their hands as possible. This is the purpose of the township. The township permits the people to adjust their own local affairs, to develop their property, highways and schools, and suppress all evils as they choose.

The Township's Shape and Size.—In the eastern portion of the United States the town or township existed before the county, and in placing several together to make a county, irregularity in shape and size arose. But in the west the United States, surveying the territories before they were admitted as states, made the townships conform to parallel and meridian lines. The township here is six miles square, containing thirty-six sections of 640 acres each.

Oklahoma Townships of Mixed Origin.—In Oklahoma there are two classes of townships: One is the township according to the governmental survey, being six miles square, while the other is called a municipal township.

This municipal township in many respects resembles the civil district, while in others it conforms to the township of the west, north and east.

A Complete Government.—Complete governments have three great functions: Legislative, or law-making, executive, or law-enforcing, and judicial, or law-interpreting, powers. The growth of civilized government is gauged by the even balance, distribution and separation of these functions. The township has all three. In the east, they are evenly balanced, while in the west the executive is strongest.

The New England Town.—The legislative power of the township or town in New England is vested in the people themselves. Upon specified days all the people come together, determine their public expenses, levy taxes, make appropriations, elect officers, fix salaries, discuss questions of common concern and decide upon a course of procedure for the ensuing year.

True Democracy.—Surely this is a pure republican form of government. The blessings of such a system are that it places responsibility where it belongs, and thereby develops a courage and ability that can only come from actual participation. It was the town meeting which aired England's injustice, raised minute men and "fired the shot heard round the world."

Town and Township Legislature.—In many township governments, the legislative department is vested in trustees, or selectmen, or town council. The number differs in different parts of the union. They are elected by the qualified voters of the township for a term of one, two or three years. They make laws or ordinances, sometimes called by-laws, trying therein to meet the demands of the community.

Duties of Selectmen or Trustees in East.—In many parts of the east the principal duties of selectmen are to sit as judges of election, to appoint road supervisors, to have charge of the paupers not supported by the county, to purchase and maintain cemeteries, to divide the

township into road districts, to open roads upon petition, and to right wrongs which may arise in the township. In truth, their work is more executive than legislative.

The Township Executive Officers.—The executive officers of a township are the clerk, assessor, supervisor, treasurer, school directors and the constable.

Clerk's Duties in a Town.—The clerk keeps the record of the business transacted by the selectmen. He keeps the poll sheets of the election and often acts as clerk of the school board. At the town meeting he calls to order and then keeps record of all business done.

The Town Assessor.—The assessor records all property values of the township, takes the number of polls, makes a tax list and delivers it to the auditor in many states. In most states there is a valuation of property each year, while in others this is done only in every ten years.

The Town Treasurer.—The treasurer, as his name suggests, is custodian of the funds of the township. All fines and license fees come into his hands. He must give good bond for a faithful performance of his duty, and pays out money only upon written order of the trustees, attested by the clerk.

Town School Directors.—The school directors attend the schools, calling for elections to vote bonds for school purposes, erecting schoolhouses, employing teachers, levying taxes, adopting text-books, fixing salaries, length of terms and making reports to higher officers.

The constables, of which there are two or three for a township, have the same duties to perform as in the civil district.

Supervisor Chief Officer in Some Parts.—In some parts of the country the chief portion of all executive duties of the town or township falls to the lot of a supervisor.

Other Stations in Town and Township.—There are some minor but important stations in the township, such

as collectors, poundkeeper, fence viewer, lumber makers, sealers and weighers. These officers are holders of their positions through appointment, usually of the selectmen.

Judicial Power.—The judicial department is vested in justices or magistrates, varying from one to three in each township. Their duties are largely identical with those of the magistrate of the civil districts.

The Township Ancient, Yet Modern.—The township, the oldest form of democratic government, instituted in Greece and appropriated by England, is now used extensively by the American people. The new state of Oklahoma, embodying in its constitution the most practical and progressive ideas of government of all time, makes the township the local unit of citizenship.

Reverence Due.—Let the student search with care the Oklahoma constitution, as found in succeeding chapters, and noting what efforts have been made to sacredly preserve all those rights which grew out of freemen exercising the rights of freemen for centuries, let him earnestly vow to exercise his township duties on coming to manhood without respect to any obstacle.

America Suffers—How.—America, as a nation, today is suffering and bleeding in many parts because the plain people have slept upon their local rights. Out in township voting booths, ballots have been cast for men who went up to certain centers of influence and wealth, and in an evil hour sold the people's birthright to corporate greed. Often reports came, which should have alarmed, but the stress of daily toil and the sophistry of the demagogue, coupled with a widespread faith among Americans, that powers at Washington are to bear the responsibilities of government, gave false ease. But at last the crisis came; the nation grew sick in every pore. Homes of toil, economy and thrift saw clouds of debt and failure shut out the light of prosperity. Doubt and dismay drove money into the secret corners and banished confidence. And, after a period of intense suffering and disaster to millions of innocent women and children, what was found to be the cause of it all?

America Suffers—Why?—Was it because of the tricks and knavery of Wall street? Was it because insurance companies, railroads and corporations had bought charters from corrupt legislators and congressmen which permitted millions to be stolen from the farmer, the artisan, the widow and the orphan?

The Answer.—No; but it was because the responsible citizen of the civil district and township had given a foolish excuse, instead of his active presence at the ballot box, and suffrage, thus weakened, sent sordid representatives to the county convention. Then this county convention of ring rule and self-seeking men chose like representatives to legislative and congressional assemblies, until sitting at the state and national capitals were legislators who did not represent their constituents, who fastened upon the people corporate charters and sold their votes for United States senatorships. Thus Wall street gambled, insurance companies robbed, trusts oppressed, banks closed and misery stalked through the land, because the township voter did not exercise with great pride and care the priceless power of an American citizen.

An Appeal.—Youth of America, upon reaching the age of 21, in the name of the home that shelters you; in the name of the commonwealth builded for you by your sainted fathers; in the name of the nation that has been baptized in blood to give you all that you possess; in the name of liberty and its God, go into every local political meeting, and there, by voice and ballot, proclaim your patriotic views!

SUGGESTIVE QUESTIONS.

1. Where are civil or magisterial districts used?
2. Where are townships used and why?
3. What made the New England town?
4. Where are the county divisions called "hundred," "parish," "beat," etc.
5. Why cannot town governments be applied to west and south as well as New England?
6. What is the legislative body of a township?
7. What is the judge of the township?
8. Who is a keeper of the peace in the township?
9. Trace the history of the town through England, New England and on to the west.

CHAPTER VI.

VOTERS AND VOTING.

A weapon that comes down as still
As snow flakes fall upon the sod;
But executes a freeman's will,
As lightning does the will of God;
And from its force, nor doors, nor locks
Can shield you, 'tis the ballot box.

—Pierpont, "A Word From a Petitioner."

Importance.—Much has been said about the sacred nature of the ballot, and it is well to dwell there, because the power and perpetuity of the American republic depend upon the voter.

State Control.—To every state is given the right to fix and regulate the qualifications of its own voters, except that the fifteenth amendment of the national constitution provides that no discrimination shall be made "on account of race, color or previous condition of servitude."

The General Rule.—The usual qualifications demanded in all the states are that the voter shall be a male citizen, 21 years of age and of sound mind. However, this is modified in many ways by the several states.

Citizenship.—Not always does the state demand citizenship. Some give suffrage to every male person of foreign birth, 21 years of age, who takes oath that he intends to become a citizen. This oath of intent must be taken from thirty days to one year before voting.

Other Qualifications: Residence.—On approaching the polls, each state usually asks these questions: Do you reside in the state, county and voting precinct? How long in each? The voter must answer "Yes" to the first, and show that he has resided in the state from three months to two years, and in the county six months to one year and from thirty to ninety days in the precinct, before he is permitted to vote.

Still others demand that a poll-tax receipt for last year be shown, and many states require ability to read and write. Some demand that the voter be able to read a section of the constitution and explain it.

Registration.—To protect the ballot from hidden attack and sudden onslaught, a large number of the states demand that offices of registration be opened, convenient to voters, for a period of time preceding election. Here a voter must secure a certificate of registration and present it at the polls, or he is not allowed to vote. This is especially adapted to congested centers of population.

Disqualifications.—Certain classes of persons are usually debarred from the ballot. Idiots, the insane, persons convicted of a crime (unless rights are restored), paupers, duelists and bribers are usually disfranchised.

Citizen Not a Voter.—Citizenship and the right to vote are not the same. A citizen is one who is born or naturalized in this country. Thus women and children may be citizens, but may not be voters. It has been observed before that one may be an alien and yet be permitted to vote.

Woman Suffrage.—Woman is given the ballot on the same terms as man in Wyoming, Utah, Colorado and Idaho. Oklahoma, Kansas, New York and many other states give women the right to vote and hold office in educational affairs.

Election Day.—In most states elections for various offices are held on the first Tuesday after the first Monday in November. This brings the election of all officers every four years upon presidential election day, but this varies widely.

Secret Ballot.—The secret ballot prevails now in over two-thirds of the states. The old *viva voce* method, where the voter spoke his choice to the clerk of election and had his vote recorded, is giving way to the Australian-ballot system. This is a system arising out of the demand for clean voting in early days of Australia, when ruffianism, bribery, intimidation and fraud surrounded the polls.

How We Vote.—On election day the voter proceeds to the advertised election place, between specified hours of the day. Instead of the old-time crowd about the ballot box, he sees the line of voters reach a certain stake or place, where a printed placard states the law on elections. It says that no voter without notice from officers of election shall approach closer than thirty to ninety feet of voting booths; that at a word from the sheriff of the election one to three voters may come forward and receive unmarked ballots, after having his name recorded thereon and on the poll-book. The voter is asked to pass into a secret place, called a booth, and there use a marker or stencil in certain prescribed ways upon the ballot, thereby making his choice. Folding his ballot within the booth, he returns and gives his ballot to a judge of election (usually three of these, representing the leading political parties), and the ballot is deposited, without further mark, in the sealed and locked ballot box. The law usually demands that all this be done in five minutes or less. If a voter cannot read his ballot, many states permit a judge of election to enter the booth to instruct him.

Liberty.—Thus we see what time, money and care are expended upon giving a free ballot to the American voter. All this is done to preserve that liberty so dear to the average boy and girl, man and woman. There is more government in this state and nation, by the people, than in other lands. There are more voters here according to the population, with the exception of New Zealand, Switzerland and parts of Australia, than anywhere else among men. Here we vote for everything and everybody. School trustee, magistrate, county judge, senator, governor, congressman and president are all beneath our ballot. Truly, such individual right and privilege will be kept inviolate by coming citizens of this federal union, if to do so they need again to “pledge their lives, their fortunes and their sacred honor.”

SUGGESTIVE QUESTIONS.

1. What are some things said before this as to the importance of voting?
2. Why does the state control the ballot?
3. What is the general requirement made of voters?

4. Is citizenship always required, and why is this?
5. What are special qualifications arising in many states?
6. What is demanded of the voter in state, county, township and city elections in Oklahoma?
7. What is registration, and where is it demanded?
8. What in Oklahoma will disqualify a person for voting?
9. Explain how one may be a citizen and yet not be allowed to vote.
10. Why are not women given suffrage in every state?
11. Why is the secret ballot so popular in the country?
12. Tell what steps are taken to get a ballot into the ballot box by a legal Oklahoma voter when voting for president?
13. Is it true that we are the freest people of the earth? Explain.

QUESTIONS FOR DEBATE.

1. *Resolved*, That women should have equal suffrage with men.
2. *Resolved*, That no one should vote unless by birth or naturalization he is a citizen of the United States.

CHAPTER VII.

PARTY MACHINERY.

Gentlemen, I am a party man. I believe that, without party, parliamentary government is impossible. I look upon parliamentary government as the noblest government in the world, and certainly the one most suited to England. But without the discipline of political connection, animated by the principle of private honor, I feel certain that a popular assembly would sink before the power or the corruption of a minister.—*Lord Beaconsfield (Benjamin Disraeli).*

Parties, Conventions and Primaries.—We called attention in a preceding paragraph to the presence of the two great political parties about the ballot box. It would be well at this time to introduce the pupil to those great political machines known as parties, conventions and primaries.

How Parties Are Formed.—In any social gathering, if a question be proposed it is likely to meet the approval of some, the disapproval of others, while a few may take no sides. Great questions of policy arise in all nations, and in one like ours, where the people are to make choice and decide, these questions divide the people. These divisions, when closely unified, are called political parties.

Political Party Defined.—In the beginning days of our republic there was one feeling dominating all, and that was: "Stand silent while we give the noble and beloved Washington a chance to prove the ship of state a good invention." There being little or no departure from this feeling, there were no political parties. But scarcely had the venture been made when differences growing out of interpretation of the constitution arose and like magic those believing, like Hamilton, in concentration of power, fell into one rank, and found facing them a zealous host under such as Jefferson, who took for their cry of political faith a distribution of power among the people. Thus sprang into existence national political parties, whose power and organizations have

controlled this country ever since, under the names federalist, anti-federalist, republican and democratic. So a political party is a body of citizens who have a common political faith.

Conventions.—Under influence of newspapers, public speakers and other factors of agitation, the people of common views are urged to meet at some central point and there set forth their principles. At the time and place appointed hundreds and often thousands assemble in some great hall. A temporary chairman and secretary are chosen, and with these to direct, committees of permanent organization are appointed. Some of these committees are: permanent organization, committee on credentials of delegates, and resolutions committee. When this last committee brings in a written declaration as to the assembly's views of national policy, after discussion and adoption, this makes the "party platform." Thus, in great conventions, are parties usually organized and perpetuated. Because while here committees are appointed in each state and congressional district, which in turn organize the county and township for the future progress of the party.

Nominations.—The election of county, state and national officers approaches. The township or precinct committee of each party meets and issues a call for a precinct or township mass convention or primary. On that day they meet and choose their candidates by one of these two methods. They may also at this time in such a manner as they choose obey the call of the county committee of each party for each township to elect delegates to a county convention. This county convention or primary may, on coming together or casting its vote, make nominations for county officers and also obey the call of the congressional district committee for the county to send delegates to a congressional district convention at a certain specified place and time. This is done and here the parties nominate leaders or candidates for congress. This last convention must here or at some time select delegates to a state convention, who nominate state offi-

cers, and who may at this time—but this is not usual—select delegates to a national convention. This last convention nominates party men for national offices, as the presidency, and thus the round is made. This discloses the township or precinct convention to be the source of power in our political system.

Primaries Demanded.—In this extensive chain of conventions, reaching from the few citizens in the township meeting to the acres of anxious delegates in a national convention there must be some weak, because unwatched, links. Remove delegates from their creators, the people, but a little distance, and they many times forget all instructions and throw honor to the winds. There has grown a feeling among the people that the humblest citizen has as much right to select the candidate of his party as he has to vote for a candidate selected by some one else. So for years the parties have used “primaries,” wherein polls are opened under party control, at certain times and places, and all qualified voters showing that they are party men may vote for candidates who, if chosen, are nominees. Let it be understood that in voting for such candidates the voter is not restricted in his choice. If the name of one for whom he wishes to cast his vote is not upon the ticket or poll sheet he has the right to write it there and cast his vote therefor.

Primaries Adopted by State Law.—All this party machinery thus far lies without state control. But certain states, Oklahoma being a late and splendid example, have incorporated in the laws of the state a demand that candidates for certain or all offices must submit their claim to a primary.

Parties in Other Nations.—The party system is not so vast or complete in any other country as in America. England, with its liberal and conservative parties, is very much on the same order. Austria and Italy, without the stiff hand of the monarch, could not maintain a permanent form of government at any length. If the word “party” be used pertaining to such governments as Russia or Turkey, let us remember another use of the term

is meant. Party there usually means a group of revolutionists or plotters against the government.

SUGGESTIVE QUESTIONS.

1. What are three important portions of party machinery?
2. Show how parties naturally arise in a government like ours.
3. What has brought about the democratic and republican parties?
4. Explain how conventions arise and their use.
5. What is a party "platform"?
6. How is a candidate for president or governor brought out as nominee?
7. What is a primary and why is it used?
8. What does the state constitution say of primaries?
9. What can be said of parties in other nations?

QUESTION FOR DEBATE.

Resolved, That conventions are better for nominations than primaries.

CHAPTER VIII.

THE COUNTY.

Counties are territorial divisions of the state, organized for the convenience of the people, and as such are treated as governmental agencies of the state for the purpose of local government.

The County Introduced.—The township, county, town and city governments have no authority over each other. Each is fashioned for carrying out the mandates of the state; this in its appointed way, that in another.

In the south and west the county is the political unit. The county does the governing; the county is supplied with a complete corps of officials and the county seat is the center of political life.

Legislative Body of County.—The principal organ of county government is its legislative body, called the board of county commissioners, or board of supervisors. Where the county commissioners compose the legislative body, the people of the whole county choose them, three in number, for periods of from one to four years. In a few states a board of supervisors, made up of the township supervisors, constitute this body. In some, the district magistrates, sitting with the county judge as presiding officer, he having no vote except in cases where a tie ensues, compose the county legislature or fiscal court.

Duties of Board of Supervisors or Fiscal Court.—Its principal duties are: making and caring for roads and bridges, building and repairing public buildings, passing upon all claims and bills against the county, deciding annually upon necessary expenditures and fixing a tax rate. In many states they elect the superintendent of county schools, and if an official of the county dies or resigns, they elect a successor until a legal election occurs. Their duties are important and truly broad-gauged men should be voted into such places of usefulness. The

very appearance of the county proclaims whether the people have put capable, progressive men in this office.

Executive Officer.—There is a sheriff in most states, who is the chief executive officer of the county. His duties are: to wait upon the county and district courts; to serve summons, writs and subpoenas; to make arrests and keep the peace; to collect taxes, delivering them to the county and state treasurer; to make levies; to execute judgments upon property and persons; to deliver prisoners to the jailer and to act as executioner, if courts condemn to death. In some states he also acts as coroner. He is given power usually to appoint deputies to assist him in all duties. It is an important office, and when a man comes to vote for sheriff, he should remember it takes a man of splendid honor, courage and lofty standards, to be the guardian of the peace and dignity of every home in the county.

County Judiciary.—The judicial authority of the county is vested in a county judge, assisted in his domain by such other courts as may be given authority in the county by the constitution, such as magisterial and district courts

County Judge, His Importance.—In Oklahoma and many states the county judge, or probate judge, is perhaps the chief officer of the county. His is the tribunal where justice is chiefly dispensed, and if he be not the soul of integrity, the county suffers in every nook and corner. In many states this important office goes begging for power to fill it, because of its poor remuneration, but the wisdom of Oklahoma's constitution-makers is again made manifest, when they departed from precedent and singled out this office as one to offer special tribute and salary.

Duties of County Judge.—This court has jurisdiction of wills and estates, appoints administrators and guardians and settles accounts. In many states it grants licenses, presides over the board of commissioners, superintends roads, by appointing road overseers and creating new roads, acts as bridge commissioner and guar-

dian of the county poor, appoints officers of election, holds examining trials, sits as a county court to try minor offenses and civil suits. In some states it acts as superintendent of county schools, while in some others it is relieved of probate powers by a probate judge or judge of estates of deceased persons and minors. In Oklahoma he issues marriage licenses.

The County Clerk.—Other assistance toward the good government of a county is the county clerk, whose chief business is to keep the record of the county court. He issues writs, preserves papers and records judgments. In some states he issues marriage and other licenses and preserves election returns.

Register of Deeds.—In some states the county has a recorder or register of deeds instead of a clerk, and some have both, as in Oklahoma. The register of deeds, as his name implies, makes record of wills, deeds, mortgages, plats and all powers of attorney. The law makes it necessary that many of these instruments be recorded in order that they may be legal.

The County Attorney.—The county attorney is an officer, one of whose requisites is to be a lawyer of a certain experience. The law demands that he stand as attorney for the county in all prosecutions of violators of the law; that he give the officers of the county legal advice in their respective spheres; in truth, he is the county's lawyer in all cases where it is involved, and therefore he should be a good one. No man has a wider range of influence for good than the county attorney.

The County School Superintendent, or commissioner, as sometimes called, is chief school officer of the county. This office was treated with close consideration under School Government.

County Treasurer.—The county treasurer, an important office in some states, receives all money belonging to the county and pays it out only when he receives a warrant from the proper authority. Some states make him the collector of taxes.

Surveyor Needed.—There should be a competent surveyor to whom appeals for accurate surveys can be made. Locating lines, determining tracts of land and settling conflicting claims, are some of his duties.

The Coroner.—The coroner makes investigation of peculiar deaths, as by violence, in prison, etc. He summons a jury, has witnesses to testify, and the jury renders a verdict as to cause and manner of death. This process is called an inquest. In some states the coroner takes the place of sheriff.

District Court Clerk.—The citizens of the county elect a clerk of the district court. His duty, as his name implies, is to keep record of all proceedings of the district court, while sitting in the county. It is a very important office.

SUGGESTIVE QUESTIONS.

1. What is the legislative body of the county? Name the lawmakers in your county.
2. What are some things legislated about in the county?
3. Describe the impressions left on travelers through the county.
4. What is the chief executive officer of the county? Name his duties and salary.
5. Who is the county judge of your county? what are his duties?
6. Who keeps the records of the county?
7. What is a writ? a judgment? a marriage license? election returns?
8. Who is register of deeds of your county? Name his duties?
9. What makes the office of county attorney so important?
10. Why does the county need a county surveyor?
11. What is an inquest?

QUESTIONS FOR DEBATE.

1. *Resolved*, That county roads should be worked by taxation.
2. *Resolved*, That there should be a county agricultural experiment station in each county.

CHAPTER IX.

THE VILLAGE AND CITY.

How They Arise.—For many reasons, many people come near together and form villages and cities. Needing stronger guardianship of property and seeing they can secure better advantages if they legally band together, special charters of incorporation are asked for.

Legislative Body and Duties.—In the village the legislative function rests in a body called trustees, or council, from five to seven in number. They are elected by the voters of the village, for terms of from two to four years. Their chief business consists in passing ordinances, governing streets, lights, waterworks, police, public health and public buildings. They appoint minor officers, such as clerks, policemen, wardens of cemetery and fire department.

The Executive of the Town.—The marshal or policeman is an executive officer, largely ministerial in his duties, being clothed with the same power as the constable of the district.

The Town Judge.—The judicial officer of the village or town is a police judge, who tries minor offenses and holds examining trials of higher crimes.

Of City Officials.

All Cities Have a Mayor and Council.—As population increases, cities with from five thousand to millions are the consequence, and of course government becomes more complex. We expect to find these differing in governmental functions and in numbers and nature of officials employed. All cities have a mayor and a council.

The Mayor.—The mayor is the executive head and chief officer of the city. His duties vary. In some cities he appoints the heads of departments and removes them

at pleasure. He has the right to veto acts of the city council, and it requires two-thirds majority to pass over his veto. He is often a member of important departments, and in the main controls their action. He presides at council meetings, and possesses the power of voting in case of a tie. Due to local conditions, or absence of legislative restriction, no man in America approaches nearer dictatorship in governmental affairs than the mayor in many of our cities.

The City Council or Legislature.—The city council, or legislative body, of a city sometimes consists of two bodies: the common council and the board of aldermen; often of a single body called by one of these names. They legislate as to what paving is needed, streets to be lighted, street railways to be built, sewers to be placed, museums, libraries and parks to be built, all matters relating to police, public schools, care of poor, taxation to meet expenditures, public health, etc.

Some Other Officials.—There is a *City Treasurer*, who receives money for the city and pays out on warrants from the auditor.

The City Auditor stands guard over the treasury, not a cent going out without his signature. No wonder that this post is one which in large cities disaster often overtakes, because where one man controls millions at the stroke of a pen, great temptations lie in wait.

The Police Department requires at its head a police commissioner, with its captains, sergeants and patrolmen. They are agents of execution of law.

The Board of Education, consisting of five or more members, attends to the public-school interests. In a city like New York, they expend forty millions of dollars annually. What a chance for philanthropy or thievery!

The Public Hospitals, Asylums, Poor Houses, etc., are under the control and management of a commissioner of public charities.

Assessors and Collectors compose another department of city taxes.

The Water Department has control of reservoirs, aqueducts, water mains and sewers.

The Fire Commissioner has an army of fire-fighters under his control.

There is a *Department of Public Health* that sees that houses, districts and people are kept free from filth and disease. Men of medical skill and training make up this department.

Who Elects.—The mayor and members of the city council are usually elected by the qualified voters of the city. The other officers are generally appointed by the mayor.

Cities are Strange Growths.—From earliest antiquity to this good hour cities have been the pride and scourge of the earth. Into them commerce has poured its gold, agriculture has swept her products, mining has dumped her ores and manufacture has been a loyal slave; and yet, from ancient Babylon to greater New York, the cities have been such putrefying sores on the body politic that it is difficult to find an excuse for their existing at all.

Sources of Weakness.—Concentrated wealth and power, with man's propensity to yield to temptation, are the factors which bring cities to shame. New York's mayor controls more patronage directly than the president of the United States. One councilman in Boston represents more people than any two congressmen of Oklahoma, and yet he can walk about his district in two hours. Hardened criminals, starving tenement dwellers, irresponsible foreigners, heartless politicians and the Satanic rich are massed together against the pure ballot, and corruption is the inevitable result.

Present Conditions and Future Hope.—Within the last five years the world has been shaken to the center by revelations and exposures of diabolical city officials. Philadelphia, St. Louis, San Francisco and other cities have presented themselves as civic cesspools. But behind every revelation is a reformer. Back of every reformer is a body of people who love civic righteousness.

Out of this phase of the municipal dilemma gleams the light of hope. Hope that some day a way will be opened by which the nation's political fens—its cities—will be cleared by intelligent ballots of their liquor-bloated politicians, their vote-selling thugs, their smug and dangerous rich. Then the city will cease to be a menace to the state and nation, and the experiment of righteous government will have won its final and grandest success.

SUGGESTIVE QUESTIONS.

1. What brings towns and cities into being?
2. Tell how a village is governed.
3. What officers do all city governments have?
4. Give the duties of the mayor in a large city.
5. Why is he given so much power, and is this right?
6. What is the legislative body in such cities as New York, St. Louis and Oklahoma City?
7. What are some other officers of the city and their main duties?
8. Tell the story of mismanagement and corruption in some cities of this country.
9. Why are cities so hard to govern well?
10. What will purify them at last?

QUESTION FOR DEBATE.

Resolved, That the commission form of city government is best.

CHAPTER X.

THE STATE.

What constitutes a state?
Not high-raised battlement or labored mound.
Thick wall or moated gate;
Not cities proud with spires and turrets crowned,
Not bays and broad-armed ports
Where, laughing at the storm, rich navies ride;
Not starred or spangled courts.
No! Men, high-minded men—
Men who their duties know,
And know their right and knowing, dare maintain—
Prevent the long-armed blow
And crush the tyrant while they rend the chain—
These constitute a state:
And sovereign law that with collected will
On crowns and globes elate,
Sets empress, crowning good, repressing ill.
—*Sir William Jones.*

SONG, "OKLAHOMA."

A Toast.

I give you a land of sun and flowers
And summer, the whole year long;
I give you a land where the golden hours
Roll by to the mocking bird's song.
Where the cotton blooms 'neath the southern sun;
Where the vintage hangs thick on the vine,
A land whose story is just begun,
This wonderful land of mine.

CHORUS: Oklahoma! Oklahoma! fairest daughter of the west;
Oklahoma! Oklahoma! 'tis the land I love the best.
We have often sung her praises,
But we have not told the half;
So I give you "Oklahoma,"
'Tis a toast we all can quaff.

A land where the fields of golden grain
Like waves on a sunlit sea,
As it bends to the breezes that sweep the plain,
Waves a welcome to you and me.
Where the corn grows high 'neath the smiling sky;
Where the quail whistles low in the grass
And the fruit trees greet with a burden sweet
And perfume the winds that pass.
—*Harriet Parker Camden.*

TERRITORIAL CONDITIONS.

Introductory.

Oklahoma Forty-Sixth State.—The state of Oklahoma is the forty-sixth in the galaxy of states. It is composed of what was formerly the territory of Oklahoma and the Indian Territory.

Indian Territory Part of Louisiana Purchase.—Prior to 1890 the entire area constituting the state was known as the Indian Territory. It had been the home of numerous tribes of Indians since the Louisiana Purchase, of which it formed a part, in 1803. Upon the 30th of April of that year the Treaty of Paris was concluded between France and the United States, and in that treaty it is recited that the “French republic has an incontestable title to the domain and to the possession of Louisiana.” In Article III is this significant language:

“The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess.”

States Carved out of Louisiana Purchase.—Since 1803 fourteen states have been wholly or partially carved out of the empire included in the Louisiana Purchase. But, to the people of Oklahoma, how long the realization of the guaranty contained in the Treaty of Paris—the priceless boon of statehood!

Oklahoma and Indian Territory Separate and Distinct.—Prior to statehood and subsequent to 1890 the territory of Oklahoma and Indian Territory had been separate and distinct territories. The vast area comprised reservations of the Five Civilized Tribes—Creek, Seminole, Cherokee, Choctaw and Chickasaw; also the Sac and Fox, Iowa, Kansas, Pottawatomie, Shawnee, Cheyenne, Arapahoe, Apache, Comanche, Wichita, Osage, Kiowa, Caddo, Wyandotte, Delaware, Pawnee, Tonkawa, Snake, Kickapoo, Otoe, Ponca, Seneca, Modoc, Quapaw and possibly some others. By act of congress in 1890 the territories of Oklahoma and Indian Territory as they existed up to the time of statehood, were created. A brief summary, showing the transition from territorial to state government, will now be given.

Oklahoma Territory.

Its Creation and Government.—The territory of Oklahoma was created May 2, 1890. Upon April 22, 1889, by

proclamation of the president, a tract of more than five million acres was thrown open to settlement. This was land purchased from the Creeks and Seminoles by the federal government. Fifty thousand people entered the reservation the first day, but for more than a year the people were without organized government, except the United States court, which sat at Muskogee. Subsequently a strip of land 170 miles long and 35 miles wide, known as "No Man's Land" (so called because not included in any state or organized territory), was organized as a part of the territory. The latter strip now comprises Cimarron, Texas and Beaver counties. In 1891 nearly 300,000 acres, formerly lands of the Sac and Fox, Iowa, Pottawatomie, Shawnee, Cheyenne and Arapahoe Indians, were opened to settlement; and in 1893 the Cherokee Strip of 6,000,000 acres, comprising lands of the Cherokees, Tonkawas and Pawnees, were opened. After these openings, practically the only lands left occupied exclusively by Indians were those of the Osage Nation and Kickapoos, and those of the Kiowas, Wichitas, Comanches, Caddos and Apaches in the southwestern portion of the state, out of which have been organized the counties of Comanche, Tillman, Kiowa and Caddo. The lands of the latter tribes were allotted and opened to settlement in 1901.

Oklahoma Given Territorial Government.—In 1890 the territory of Oklahoma was given full territorial government. The executive power of the territory was vested in a governor and secretary, appointed by the president, and other subordinate officers provided by the territorial laws. The legislative power was vested in an assembly, elected by the people, consisting of a council and house of representatives, numbering thirteen and twenty-six members respectively. The judicial power was vested in a supreme court, district courts; probate courts and justices of the peace. The supreme court, under the organic act, consisted of three justices, appointed by the president, but later the number was increased to seven. Each supreme justice held court in a district designated by the supreme court, and when

sitting together, they constituted the supreme court of the territory. The probate courts and justices of the peace and all other county officers which we now have were elected by the people. The territory was divided by the organic act into seven counties, named, respectively, First to Seventh. The names of these counties were subsequently changed to the following, which names they held until changed by the state constitution: Grant, Kay, Garfield, Noble, Kingfisher, Logan, Payne, Lincoln, Oklahoma, Canadian, Blaine, Caddo, Custer, Dewey, Day, Woods, Woodward, Beaver, Greer, Roger Mills, Kiowa, Washita, Comanche, Cleveland, Pottawatomie.

Guthrie was created the seat of government. A delegate to congress, to be elected by the qualified voters of the territory, was provided for. He had a seat in congress, but no vote.

Greer County.—There had been a dispute for a number of years between the state of Texas and the United States over the ownership of Greer county, and provision was made in the organic act for a settlement of that controversy by the supreme court of the United States. The point in dispute was whether the north fork or south fork of Red River was the boundary between the Indian Territory and Texas, according to the treaty of 1819, entered into by Spain and the United States. The supreme court in 1895 determined that the south fork was the true boundary and that Greer county was subject to the jurisdiction of the United States.

SUGGESTIVE QUESTIONS.

1. In the order of admission to the union what place does Oklahoma occupy?
2. Of what large tract is Oklahoma a part?
3. What provision was contained in the treaty of Paris?
4. How many states have been formed out of Louisiana Territory?
5. What Indian nations comprised Oklahoma and Indian Territory prior to statehood?
6. When was Oklahoma Territory created?
7. Describe the opening of the various tracts of Indian lands.
8. When was Oklahoma Territory given territorial government?
9. Describe its territorial government.
10. What is said about Greer county?

Indian Territory.

Its Creation, Subdivisions and Government—Home of the Five Civilized Tribes.—By the same act which cre-

ated the territory of Oklahoma the Indian Territory as it existed prior to statehood was created.

This territory comprised the home of the Five Civilized Tribes—the Cherokee, Creek, Seminole, Choctaw and Chickasaw. These tribes had been granted the lands included in the Indian Territory, as now defined, by treaties entered into between the tribes and the United States fifty or sixty years previously, under the terms of which the tribes accepted the lands granted in lieu of their lands in the Carolinas, Alabama, Georgia, Florida and Mississippi, and agreed to remove from those states to the Indian Territory. Under the terms of the grants some of these tribes were to have the ceded lands “as long as the grass grows and the water flows.”

Government of the Five Civilized Tribes.—Prior to 1898 the Five Civilized Tribes exercised their functions of government, each having a complete set of officials. Each had a chief, or governor, tribal courts and legislatures or councils. Even since 1898, although the tribal courts were abolished, their governments have been continued in a modified form for the purpose of winding up the tribal affairs.

Civil Government in Indian Territory.—Under the act of 1890 the Indian Territory was divided into three judicial divisions, and the United States judge appointed under the act of 1889 was limited in his jurisdiction to the three divisions. In 1895 these divisions were changed to the Northern, Central and Southern districts, and at the time of the admission of the state another district had been added, namely, the Western. The Northern district comprised the Cherokee Nation; the Western district, the Creek and Seminole Nations; the Central district, the Choctaw Nation, and the Southern district, the Chickasaw Nation. At the time of the admission of the state there were two United States judges for each district, four of whom constituted the United States court of appeals of the Indian Territory, to which appeals could be taken from the respective districts.

Towns and Schools in Indian Territory.—Prior to 1898 there were no incorporated towns in the Indian Territory, and, aside from the jurisdiction exercised over cities by the United States courts, there was no government. True, each Indian tribe had a government, but the tribes had no power or authority over white people, and these governments at best were wholly unable to combat crime and stamp it out. In 1898, there were upward of 350,000 persons in the Indian Territory, and the country was dotted with towns ranging in population from 100 to 5,000. Yet there was no organized town government in any of these. There were no schools except the Indian schools, to which only Indian children were eligible, except upon payment of a tuition. True, there was occasionally a neighborhood school, supported by private subscription, but these were not many, and thousands of children were growing up in ignorance. Ardmore, Muskogee, South McAlester, Chickasha, Vinita, Pauls Valley and one or two other towns, each had a population of from 1,500 to 5,000, yet there was no police protection, no protection for the health of citizens, and no public schools. In truth, no town government. In 1898 congress passed a law known as the "Curtis bill," which permitted towns to incorporate and form municipal governments, and the people within a few months organized modern, up-to-date municipalities. Unsightly frame private school buildings soon gave way to modern brick and stone structures, and thousands of poor children in the towns who were unable to pay tuition to attend private school were now enabled to secure the benefits of the public school.

Pauls Valley First Town to Have Public School.—Pauls Valley was the first town in the Indian Territory to establish a public school, and it is a fact worthy of mention that two men who took prominent part in shaping that event are in charge of the public-school system of Oklahoma. State Superintendent E. D. Cameron, then a resident of Pauls Valley, together with Hon. J. B. Thompson, was more instrumental than any other in molding sentiment in favor of the public school, and Mr.

J. W. Wilkinson, assistant state superintendent, was its first principal.

Terms of Enabling Act; Status of Indians.—By the terms of the enabling act, admitting the state of Oklahoma into the union (Sec. 1), and the constitution of the state (Art. I, Sec. 3), the United States retains, and the state disclaims, all right and title in or to “all lands lying within the limits of the state, owned or held by any Indian, tribe or nation; and that until the title to any such public land shall have been extinguished by the United States, the same shall be and remain subject to the jurisdiction, disposal and control of the United States.”

It therefore becomes exceedingly important for the future citizen of Oklahoma to know the status of the Indians residing in old Oklahoma Territory, and in that portion of the state formerly known as Indian Territory, inasmuch as those Indians have a dual responsibility and citizenship, which is not at first easily understood. They are amenable to the laws of the state in everything except their property rights, and in the latter, subject to the qualifications and limitations above quoted.

Supervision of Department of Interior.—The department of the interior at Washington has from the first had and still has under the terms of the enabling act and the state constitution power and authority to allot the lands to the Indians. There is an Indian agency, called the Union agency, at Muskogee, which together with the commissioner to the Five Civilized Tribes (an officer appointed by the president), represents the department of the interior in winding up the affairs of the Five Civilized Tribes. There are also Indian agencies at Anadarko and Pawhuska.

Allotment of Lands.—Each Indian has an allotment which consists of a tract of land varying in size from forty acres to several thousand. The acreage of the allotment is determined by its value.

Indians and Slaves.—The Five Civilized Tribes owned slaves before the Civil War, and these slaves of Indians

and their descendants are called freedmen. Each free-man has an allotment, which varies in size in the different nations. The land of freedmen and the homesteads of the Indians cannot be disposed of during the lifetime of the Indian, not exceeding twenty-one years.

Leasing of Indian Lands; Minerals.—Each Indian can allot lands located only in the nation of which he is a member, except the Choctaws and Chickasaws, who may allot lands located in either the Choctaw or Chickasaw Nations. The Indians are permitted to lease all their lands except homesteads, and under some circumstances may lease the homestead. They receive a royalty upon the production of minerals, oil and gas, and in the Osage, Creek and Cherokee Nations these royalties in some instances amount to thousands of dollars per year. The department of the interior has supervision of leases made by Indians by blood.

Indian Schools.—There is also a vast amount of money held in trust by the government for the Indians for support of Indian schools. Prior to statehood Indian children could attend these schools free. In the Indian Territory these schools were under the supervision of John D. Benedict, who, during a superintendency of ten years, developed the system to a high degree of efficiency.

SUGGESTIVE QUESTIONS.

1. When was Indian Territory created?
2. What tribes lived in this territory?
3. Describe the government of the Five Civilized Tribes.
4. Give a brief summary of the government by the United States in Indian Territory prior to statehood.
5. What was the condition of towns and schools in Indian Territory prior to statehood?
6. What is the legal status of Indians and Indian lands in the state?
7. What supervision has the department of the interior in the state?
8. Of what does an allotment consist?
9. What are freedmen and what provision is made relative to them?
10. What provision is made relative to leasing lands of Indians?
11. What is said about Indian school funds?

QUESTIONS FOR DEBATE.

1. *Resolved, That* Oklahoma and Indian Territory should be separate states.
2. *Resolved, That* territorial government was preferable to statehood.

CHAPTER XI.

THE STATE—CONTINUED.

The Constitutional Convention.

Struggle for Statehood.—For seventeen years Oklahoma and Indian Territory had been clamoring for statehood. The territory of Oklahoma, having a delegate in congress, possessed an advantage over the Indian Territory. The latter had no voice in congress and no authorized representative who had local pride and interest in its development and progress, entitled to recognition by the executive and legislative powers in Washington. For seventeen years Oklahoma and Indian Territory had been sending their patriotic volunteer delegations annually to the seat of government, knocking at the doors of congress for admission to the union, in a vain endeavor to secure the performance of the guaranty contained in the Treaty of Paris.

Who, among those who lived in the two territories, and particularly in the Indian Territory, for any considerable number of years, can ever forget the struggle for statehood? Meetings without number were held, countless resolutions were passed, hundreds of citizens and delegations made the annual pilgrimage to Washington, only to return home in gloom and disappointment. The repeated disappointments, however, only served to make the efforts of the people more determined and persistent, and on June 16, 1906, the enabling act was approved by the president.

Provisions of Enabling Act; Meeting of Convention. This act provided for the formation of one state out of the two territories, and that delegates to a constitutional convention should meet on the second Tuesday after their election. The election for delegates was held Nov. 6, 1906, and on the 20th the delegates met in convention at Guthrie. The proposed state of Oklahoma had commenced to make history!

Convention Composed of 112 Delegates.—The constitutional convention was composed of 112 delegates, 99 of whom were democrats, 12 were republicans and 1 was independent. To the democrats therefore necessarily belong the credit and honor of writing the constitution of Oklahoma.

Meeting of Convention.—Of the meeting and sessions of the convention no better pen picture has been drawn than that by the well-known writer, Frederic Upham Adams, which we give:

"The city hall of Guthrie will be known as the birthplace of the Oklahoma constitution, and we can look forward to a day when grandchildren ten generations remote will stand with uncovered heads and gaze about the crumbling interior of the room in which their inspired forefathers penned the immortal document which bequeathed them all of their wonderful prosperity. Doubtless there will be handed down to them tales of the ridicule and obloquy which was heaped on these pioneers who dared build a ship of state with turbine engines instead of masts and sails, and doubtless they will believe that all of wisdom perished with the men who happened to draft their constitution. . . . Let me contribute one picture for the future schoolbook historian. Scene, Guthrie; time, the spring of 1907; location, the city hall, from the tower of which one can look out on a sea of undulating hills and prairies checker-boarded with fields of cotton and corn, and dotted to the horizon with herds of cattle. Within the hall are met the stalwart farmers who are framing the new constitution. Hovering about them are the lawyers and lobbyists who are there to represent the corporations and other 'vested interests.' It is only a resetting of the world-old picture of the battle of the masses against fortified power, save that the latter has been stripped of the weapons of force. The delegates are gathering. It is the day when there shall be decided the question of whether the 'initiative and referendum' be incorporated in the constitution. There are rumors that money has been used to advantage with delegates pledged for this radical reform. Excited farmers discuss the possibility, and glare at the well-groomed attorneys who are arguing with the delegates.

"Chairman Bill Murray mounts the platform and sweeps the hall with his piercing glance. Down comes his gavel with repeated crashes on his table. The tumult ceases. 'The convention will come to order!' Murray shouts, with a final blow of the gavel. 'Delegates will take their seats, loafers and lobbyists will get out! We will begin by singing that grand old hymn, "Nearer, my God to thee," and as every delegate arises to his feet the wonderful voice of the chairman rings out with words which all know and sing:

"Nearer, my God, to thee,
Nearer to thee.
E'en though it be a cross
That raiseth me;
Still all my song shall be,
Nearer, my God, to thee,
Nearer to thee."

"If an attempt was made to use money to sway the votes of the men in Guthrie it had as little effect as it would on Cromwell's covenanters. . . . The lobbyist is out of his depth in a place where men open their proceedings with 'Nearer, my God, to thee,' and scores of times when the Oklahoma delegates met in that Guthrie hall its walls shook with the chorus of men who attempted to vote as they sang."

Constitution Completed.—The constitutional convention was in session, barring a recess during the holidays and another during the spring of 1907, until July 16, 1907, at which time it presented to the people the completed constitution.

Opposition to Adoption; Election on Constitution.—The division of old counties of Oklahoma, the creation of counties in Indian Territory (it had no counties), and the location of county seats, aroused vigorous opposition in the affected localities, while, added to this opposition was the unabated antagonism of federal officeholders and corporations. The convention was assailed with injunctions, and its membership charged with being corrupt and ignorant, but throughout the entire period until the signing of the president's proclamation, the defenders of the constitution remained firm and pressed home to the citizenship of Oklahoma the merits of that document. Upon Sept. 17, 1907, the anniversary of the adoption of the constitution of the United States, the constitution was adopted by an overwhelming vote of the people and shortly thereafter was submitted to the president for his approval. It must be understood that under the terms of the enabling act the president had the power to approve or disapprove the constitution, and determined efforts were made by the opponents of statehood to prevent his approval. A committee, composed of Messrs. Ledbetter, Hayes and Moore, together with Hon. J. B. Thompson, went to Washington to present the views of the convention and the advocates of statehood, and the president announced later that he would approve the constitution and issue his proclamation.

Signing of President's Proclamation.—Upon Saturday, Nov. 16, 1907, at 9:16 o'clock a. m. (10:16, Washington time), the news was flashed over the wires from Washington that President Roosevelt had affixed his signature to the proclamation granting statehood. Who, among those who favored statehood, will ever forget the sensation of joy and happiness which thrilled his soul when the news reached Oklahoma! Whistles blew, bells rang, guns were fired and strong men shouted and shed tears for joy. The Twentieth Century Constitution—a new declaration of independence, as it were—was to be placed on trial and the empire state of Oklahoma had taken its place in the sisterhood of states.

Inauguration of Governor Haskell.—It must be understood that as soon as the proclamation was signed the law which had previously been in force in the Indian Territory ceased to be the law there. In order that no hiatus might occur between the time the old government ceased and the new government commenced a special wire was held open from Washington to Guthrie in order that there would be no delay in the transmission of the message. This precaution was taken at the request of the governor-elect, primarily because the Standard Oil company was building its oil pipe line across the line of the Indian Territory into Kansas. At the time the proclamation was signed the pipe line was only a few feet from the Kansas line. Governor-elect Haskell was aware of this fact, and he was awaiting anxiously the news from Washington. At 9:20 a. m. (10:20, Washington time), in his apartments at the Royal Hotel, the oath of office was administered to the governor-elect, and he immediately wired instructions stopping operations on the pipe line! Thus, by the prompt action of the new governor, the people of Oklahoma had preserved to them the right to control and regulate the production of a great public commodity which was about to be piped out of the state!

Inaugural Ceremonies.—A vast throng had assembled in Guthrie to witness the inauguration, preparations for which had been made in advance. An allegorical marriage ceremony was performed between Mr. Oklahoma and Miss Indian Territory, and shortly after 12 o'clock noon Governor Haskell again took the oath of office in the presence of the vast multitude and delivered his address. That paper was a masterful document, and its patriotic passages should be an inspiration to every citizen and future citizen of the commonwealth:

"We are here not so much for speech as you are assembled to celebrate this day of Oklahoma's liberty, the day when we can raise the flag of our united country and feel in our hearts the pride of American citizenship. And let us remember now, fellow citizens, that when we gaze upon the beautiful stars and stripes, that it has for us in Oklahoma every feeling of pride and sentiment that it has for the people of any other state in the union, and more. It means more to Oklahoma than it does to any other state. With us, its colors are emblematic of other facts. It reminds us that the state of Oklahoma is the first of all the states of the union carved out of an area, the property of the native American, without having driven the original American owners from its borders or buried them beneath the sod.

"The right of conquest may be a legal right, but God knows it has seldom ever been an honest source of title. Oklahoma is the exception to this rule, 'To the victors belong the spoils.' We are the first state where the original Americans, the owners of the soil, remained in large numbers as free and equal citizens with their white neighbors and took part in the formation and control of the state government. These nations, that upon the laws of congress have the distinction of being named as the 'Five Civilized Tribes' are uniting with their white neighbors on grounds of legal equality. Therefore the added pride in the flag of our country. We find the white stripe emblematic of the white race; we find the red emblematic of the red race, and uniting them beneath the field of azure blue we join heart and hand—the red and the white man—in saying, 'Glory, glory, long live the state of Oklahoma!' Let us have an administration of worthy deeds and not of empty words."

Our Debt of Gratitude.—When the future historian writes the history of Oklahoma he will, in justice, pay tribute to those distinguished men who composed the convention, and to its guiding and moving spirit, C. N. Haskell, whom, as a reward for his able counsel and leadership in behalf of the people, a grateful citizenship elevated to the highest office in the state.

SUGGESTIVE QUESTIONS.

1. Describe briefly the conditions prior to statehood.
2. When was the enabling act approved by the president, and what did it provide?
3. When were delegates to the constitutional convention elected? When and where did they meet?
4. What number composed the convention?
5. When was the constitution presented to the people?
6. When was the election upon the constitution held?
7. When did we become a state??
8. Describe the conditions surrounding the inauguration of Governor Haskell.
9. What is said about our debt of gratitude to the members of the constitutional convention?

CHAPTER XII.

CONSTITUTION OF OKLAHOMA

THE STATE.

"The worth of a state in the long run is the worth of the individuals composing it."—*John Stuart Mill.*

Every state has a government of its own. It has a constitution which is adopted by the people of the state. This constitution is the fundamental law of the state. It can contain nothing, however, which is contrary to the provisions of the federal constitution. The constitution of a state is formed usually by the people of the state electing delegates to a convention. This convention makes the constitution and the people then vote upon it and ratify or reject it.

Constitution to Be Republican in Form.—This constitution must be republican in form, for the federal constitution provides that each state shall have a republican form of government. Just what this means has not been defined clearly, but it may be said to be a government divided into three departments—where the people are governed by representatives chosen by them. These departments are the legislative, executive and judicial.

Parts of Constitution.—Every state constitution is similar to the federal constitution. It is divided into articles, each article having reference to a particular subject. The constitution of the state of Oklahoma, and of most states, contains the following articles, in addition to a preamble, which usually states the objects of government:

Distribution of the powers of government into the three departments above mentioned.

Bill of rights, which contains a statement of the inherent rights of individuals, in addition to such rights as are guaranteed under the federal constitution.

Articles on Federal Relations; Suffrage; Impeach-

ment and Removal from Office; Corporations; Revenue and Taxation; State and School Lands; Homestead and Exemptions; Education; Banks and Banking; Oath of Office; Public Roads, Highways and Internal Improvements; Counties; Municipal Corporations; Insurance; Manufacture and Commerce; Public Institutions; Alien and Corporate Ownership of Land; Miscellaneous Provisions; Constitutional Amendments; and Schedule.

We will examine these articles (twenty-four in number) in their order.

ARTICLE I.

Federal Relations.

The enabling act provided that the people of Oklahoma Territory and Indian Territory might form a state under certain conditions. These conditions had to be complied with or we never could have become a state. Our admission as a state, therefore, was a solemn contract. We accepted the conditions of the enabling act and put these provisions in our constitution in Article I. In this article it is declared:

First.—That the state of Oklahoma is an inseparable part of the federal union and the constitution of the United States is the supreme law of the land.

Second.—That every one should have a right to his or her religious belief; that no religious test should ever be required as a qualification for office; and that polygamous, or plural, marriages should be prohibited.

Third.—The state disclaims, and the federal government retains, all right and title to any unappropriated public lands in the state and to all lands owned or held by any Indian, tribe or nation; and that the same shall remain subject to the control of the United States until its title shall be extinguished by the United States.

Fourth.—Lands belonging to the citizens of the United States outside of the state shall never be taxed at a higher rate than lands belonging to citizens of the state; and property owned by the United States shall not be taxed.

Fifth.—The debts of the territory of Oklahoma are to be paid by the state of Oklahoma.

Sixth.—A system of public schools, to be conducted in English, shall be provided for; and separate schools may be maintained for white and colored children.

Seventh.—The state shall never enact any law restricting or abridging the right of suffrage on account of race, color or previous condition of servitude. This is putting into effect the provisions of the fifteenth amendment.

Eighth.—The manufacture, sale or furnishing of liquor within that portion of the state formerly the Indian Territory is prohibited for a period of twenty-one years. Permission is given, however, for the legislature to establish an agency for the sale of liquor in each town of over 2,000 people, where sales may be made for medical purposes only upon prescription of a doctor. These provisions of the constitution are not applicable to that portion of the state formerly Oklahoma territory.

ARTICLE II.

Bill of Rights.

Its Province.—The bill of rights is contained in Article II. It is an enumeration of rights guaranteed to every citizen of Oklahoma, and they are in addition to those guaranteed every citizen under the first eight amendments of the federal constitution. No law can be passed by the state legislature, nor any act committed by any person, which in any way infringes upon any of these rights. Prominent among them, wherein they differ materially from the federal constitution and other state constitutions, are the following:

Personal Attention to Duties.—Every officer elected or appointed shall give personal attention to the duties of his office.

Information; Indictment; Grand Jury.—A person may be prosecuted by information; that is to say, when a person is charged with crime the county attorney may

file a paper called an information, charging the person with an offense, and that person may be brought to trial upon it. A grand jury has nothing to do with an information. An indictment is always found by a grand jury, which in this state consists of twelve men, any nine of whom may find an indictment or "true bill." The grand jury may meet upon order of the judge or upon petition of 100 resident taxpayers.

Trial of Cases; Verdict.—In the trial of civil cases (which means all cases not criminal), and in criminal cases for the trial of misdemeanors, three-fourths of the jury may render a verdict. In most states, all the jurors are required to concur.

Libel; Definition.—A person cannot be convicted of libel if what is written or published is true. Libel is the malicious writing or publishing of an untrue statement about another.

Levees, Drains and Ditches.—A person may build a drain or ditch across the lands of another without his consent where the ditch or drain is to be used for agricultural, mining or sanitary purposes. In this connection attention is directed to section 3 of Article XVI, which provides that the legislature shall regulate levees, drains, ditches and irrigation, and that a person who is benefited by them may be compelled to contribute toward their construction. These two provisions are exceedingly important to farmers and are not, we believe, to be found in any other constitution.

Contempt; Definition.—"In no case shall a penalty or punishment be imposed for contempt until an opportunity to be heard is given." Contempt is where one wilfully disobeys an order of a competent court. No person can be convicted of violating an order of injunction when not in the presence of the court, without a trial by jury. This provision is not to be found in any other constitution and is designed to safeguard the rights of the individual. An injunction is an order of a competent court, commanding or prohibiting the commission of an act.

Evidence Tending to Establish Guilt of Another.—A person may be compelled to give evidence tending to establish the guilt of any other person or corporation, even though that evidence may tend to incriminate him, but no person giving such evidence can be prosecuted on account thereof. In this connection it is well to consider the provisions of section 21 of the bill of rights and the fifth amendment to the federal constitution, which provide that no person shall be compelled to be a witness against himself.

Corporations; Open to Inspection.—The records, books and files of corporations shall be at all times subject to inspection under authority of the state. See also subdivision, "Corporations."

No Person to Be Transported Out of State.—No person shall be transported out of the state for any purpose without his consent, except as is provided by law. This provision was enacted because of the kidnaping of Haywood in Colorado and his removal without his consent and without a requisition to Idaho.

State May Engage in Business.—The state may engage in any occupation or business for public purposes, except it shall not engage in agriculture for any other than educational or scientific purposes.

Other Provisions.—Other provisions usually found in state constitutions, and contained in ours, are as follows:

All political power is declared to be inherent in the people, and they have the right to alter or amend their government, provided the latter be not repugnant to the constitution of the United States. All persons have the inherent right to life, liberty and the pursuit of happiness; and the right to peaceably assemble and petition for the redress of grievances. No power, civil or military, shall interfere to prevent the free exercise of the right of suffrage. Public money shall not be appropriated for any church or preacher; the courts shall always be open; no person shall be deprived of life, liberty or property without due process of law; excessive bail

shall not be required; nor cruel and unusual punishment inflicted. The privilege of the writ of habeas corpus shall never be suspended. No member of congress or person holding any office of trust under the laws of another state, or of the United States, shall hold any office in this state. Imprisonment for debt is prohibited, and the military shall be held in strict subordination to the civil authority. *Ex post facto* laws, bills of attainder and laws impairing the obligation of contracts, shall not be passed. In courts of record, other than the county court, a petit jury shall consist of twelve men, but in county courts and courts not of record, the jury shall consist of six men. In civil cases and in cases less than felony, three-fourths of the jury may render a verdict. In felony cases, the whole number of jurors must concur in order to render a verdict. When the verdict is rendered by less than the whole number, it shall be signed by each juror concurring therein. The accused shall have the right to a speedy, public trial by an impartial jury of the county where the crime shall have been committed; and shall be confronted with the witnesses against him. No private property shall be taken for private use unless by consent of the owner, except for private ways of necessity or for drains and ditches. Search warrants shall only issue upon probable cause, supported by oath. Monopolies are prohibited.

ARTICLE III.

Suffrage.

How Right Is Regulated.—Suffrage means the right to vote. The federal constitution contains nothing upon this subject except that contained in article I, section 2; article IV, section 2; amendment XIV, section 1; amendment XV. This last amendment provides that the right to vote shall not be denied “on account of race, color or previous condition of servitude.” Prior to the passage of this amendment negroes were not citizens and could not vote. The provision of the fifteenth amendment, however, is only a restriction on the right of congress to pass a law, but section 2 of said amendment states

that congress shall provide for its enforcement by appropriate legislation. No law has been passed by congress upon the subject, and each state is left to regulate the right to vote. If this right belongs to any particular person, it is because such person is entitled to it by the laws of the state where he offers to vote and not because of citizenship in the United States.

Qualifications of Electors.—Our constitution provides that the qualified electors of this state shall be male citizens of the United States and of the state, or male persons of Indian descent native of the United States, who are over the age of 21 years, who have resided in the state one year, in the county six months, and in the election precinct thirty days next preceding the election at which any such elector offers to vote.

Disqualifications.—No person convicted of a felony after the adoption of the constitution unless granted the right by the governor, or other proper authority; no person while kept in a poorhouse or other asylum at public expense; except federal and confederate ex-soldiers; no person in a public prison; nor any idiot or lunatic shall be entitled to vote.

Members of Army or Navy; Right to Vote.—For the purpose of voting, no member of the army or navy of the United States shall gain a residence in the state by reason of being stationed in the state; nor shall any such person lose a residence in the state while absent from the state in the military or naval service of the United States.

Right to Vote; Females; School Elections.—Until otherwise provided by law, female citizens possessing like qualifications of male electors shall be entitled to vote at school elections.

Election Board; Direct Vote for Senators.—The legislature is given power to provide for the creation of an election board, not more than a majority of whose members shall be selected from the same political party; shall provide for all elections; and at the time the federal constitution shall permit the election of United States

senators by direct vote of the people, the legislature shall provide for their election as for the election of governor.

Mandatory Primary.—The legislature is directed to provide for the nomination of all candidates in all elections by political parties at a primary.

Elections; Vote by Ballot; Registration.—The people shall vote by ballot and the legislature is directed to provide for the manner of election and for the registration of electors. When registration is required, no person shall vote except he be registered according to law.

Elections; Limitations on Civil and Military; Privilege From Arrest.—Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right to vote; and electors shall, except for treason, felony or breach of the peace, be privileged from arrest during their attendance on elections, and while going to and from the same.

ARTICLE IV.

Distribution of Powers.

Our state government is divided into three departments; namely, the legislative, or lawmaking; the executive, or law-enforcing; the judicial, or law-interpreting. These departments under our constitution shall remain separate and distinct, and neither shall exercise the powers belonging to either of the others.

ARTICLE V.

Legislative Department.

How the Legislature Does Business.—Each house meets apart from the other. It meets in a large hall at the capitol of the state. The meeting place of the senate is called the “senate chamber”; that of the house, the “hall of the house of representatives.” Each member has a desk. These desks are arranged in a half circle about the desk of the presiding officer. Each house has several officers and employes, which are either elected by each house or appointed by the presiding officer.

The Party Caucus.—The democrats and republicans of each house meet separately in caucus the night before the legislature meets. A chairman is selected and this chairman continues to act as chairman at all “party caucuses” held during the session. Whenever any bill comes up for passage which involves a party principle or upon which the party wishes to go “on record,” a caucus is held, the bill or matter is discussed, and the caucus determines what action shall be taken. This is called a “party caucus.” When the bill comes up in either house, the members usually vote as the caucus instructed them.

The first caucus, which is held the night before the legislature meets, decides what persons will be voted for the next day, and whichever political party has the majority elects these persons as officers and employes. The election of officers and employes is usually simply a ratification of everything that was done beforehand in the party caucus.

Employes of the Legislature.—The employes of each house, with their duties, are as follows:

The head employe of each house is the *Secretary of the Senate* and *Chief Clerk of the House*. This person has charge of all the other employes in each house; sees that they attend to their duties; signs all official communications; prepares and signs the journal of each day’s business, and performs such other duties as he may from time to time be instructed to perform by the house. He has one or more assistants.

The *Reading Clerk* is a man with a loud voice. He must read everything loud enough for all members to hear. When the roll is called, in order that the yeas and nays may be taken, he has a sheet of paper with the name of each member printed upon it, called the “roll,” and marks on it how each member votes. This is called “calling the roll,” and the member when his name is called votes “yea” or “nay.” The names of members on the roll are arranged in alphabetical order, as, “Allen,” “Baker,” “Carter,” etc., ending with “Mr. Speaker.” The reading clerk has an assistant usually.

There is a *Journal Clerk*, whose duty it is to prepare the journal each day, under the supervision of the secretary or chief clerk. This journal is ready every morning at the opening of each day's session and tells exactly what was done the day before. If there is any mistake, a member states his objections when it is read. The journal is usually printed and placed upon the desk of each member before the hour of meeting.

There is a *Calendar Clerk*. His duty is to prepare the calendar. The calendar states the order in which bills will be considered during that day and for two or three days in advance. The calendar is printed usually, and is placed upon the desk of each member every morning.

The *Sergeant-at-Arms* keeps order and announces whenever a message is received from the other house or from the governor, or whenever any high public official visits either house. He purchases all supplies; sees that members have ink, writing paper, laws, etc. He has one or more assistants.

There is a *Chief Enrolling or Engrossing Clerk*, with one or more assistants. Their duty is to copy with pen and ink in a good hand on large sheets of paper all bills and resolutions which have been ordered enrolled or engrossed.

There are a number of *Committee Clerks*. These clerks attend to all business of the committees to which they are assigned.

There is an *Official Reporter* and several stenographers.

The presiding officer usually has a *Private Secretary*.

There is a *Doorkeeper*, with one or more assistants; also a *Postmaster* and *Assistant Postmaster*.

The *Chaplain* opens each session with prayer, all the members usually rising.

There are several *Pages*. These positions are filled by boys from 8 to 15 years of age. Their duties are to attend all sessions, run errands, carry messages and bills to and from members and the presiding officer.

Committees and the Passage of Bills.—The business of each house is done mostly by committees. There is a committee for every subject of legislation, as committee on "Corporations," "Banking," "Counties," etc. Each committee consists of a chairman and two or more members. When a bill is introduced by a member it is read by its title and referred by the presiding officer to the committee having charge of matters to which the bill refers. This committee meets and discusses the bill and reports back to the house in favor of or against the passage of the bill. If in favor of, the bill is read a second time and placed on the calendar, and is brought up in regular order for third reading and final passage. If it passes, it is signed by the presiding officer, and is sent to the other house, where it takes the same course. After passage in both houses, the bill is presented to the governor for approval or disapproval, and if he approves the bill, it becomes a law; if he disapproves (this act being called a veto), the bill is returned to the house in which it was introduced, and if two-thirds of the members of each house again vote for the bill it shall become a law.

Senate and House; Powers; Officers.—The legislative authority is vested primarily in the people and in a legislature (Sec. 51). The legislature consists of two branches—the senate and house of representatives. The senate consists of not more than forty-four members and their term of office is four years (Sec. 63). The house consists of not more than 109 members, and their term of office is two years (Sec. 66). The state is divided until the next federal census into thirty-three senatorial districts. There is at least one representative in each county. Senators must be at least 25, and members of the house at least 21 years of age (Sec. 87). Members receive six dollars per day and ten cents per mile as compensation, but after sixty days have elapsed they receive two dollars per day (Sec. 91). The presiding officer of the senate is the lieutenant-governor, and he is designated president of the senate (Secs. 98-148). The senate, however, elects a president *pro tempore*, who presides

in the absence of the lieutenant-governor (Sec. 98). The senate elects its standing committees (Sec. 98), while the speaker appoints the committee of the house, as a rule. No measure shall take effect until ninety days after its passage, except in case of emergency (Sec. 131). The salary of the lieutenant-governor is \$1,000 per annum, while the speaker receives the regular compensation of other members. The succession to the governor-ship is lieutenant-governor, president *pro tempore* and speaker.

Initiative and Referendum.

Definitions; Legislative Powers Primarily in People.—This provision in a state constitution is comparatively new, only one state, Oregon, having it. The legislative authority of a state is usually vested in a legislature, but in this state (Sec. 51), in addition to the power of the legislature, “*the people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act of the legislature.*” This is a wise provision. The initiative is the power given the people to propose (Sec. 52), and the referendum is the power given the people to reject (Sec. 53) any legislative measure. The veto power of the governor does not extend to measures voted on by the people (Sec. 53). The initiative and referendum is further reserved to every county, district and municipality, and the voters thereof may exercise this power with respect to all local matters in accordance with the laws of the state (Sec. 57). This power is further reserved specially to municipalities (Sec. 415). The power of the initiative and referendum is the most advanced step toward a pure democracy which has been taken by any state in the union.

Members; Right to Hold Office.—No member shall hold any other office during the term for which he shall have been elected, nor be interested in any contract authorized by law, passed during the term for which he shall have been elected.

Organization and Rules.—Each house is the judge of its own membership; may determine the rules of its proceedings; punish and expel members by a two-thirds vote; shall keep a journal of its proceedings, and the yeas and nays shall be entered thereon upon request of one-fifth of those present. Neither house shall, without consent of the other, adjourn more than three days, nor to any place other than that where the legislature may be sitting. No special or local law shall be considered until notice shall first be published for four consecutive weeks in a newspaper. All bills for raising revenue shall originate in the house of representatives and the senate may propose amendments to them. No revenue bill shall be passed during the last five days of the session. Every bill shall be read on three different days in each house, and no bill shall become a law unless on its final passage it be read at length, and a majority is necessary to pass any bill. Upon final passage, the vote shall be taken by yeas and nays and entered on the journal. However, the reading at length may be dispensed with by a two-thirds vote of a quorum present, which vote by yeas and nays shall be entered upon the journal.

Powers and Duties.—The authority of the legislature shall extend to all rightful subjects of legislation. The legislature is given power specially to provide: For a state printing plant and a printer; for the establishment of a state geological and economic survey; for state boards of health and pharmacy, and a pure-food commission; for the organization and maintaining of the militia of the state; for the pension of meritorious and disabled firemen; for the revising, digesting and promulgating the statutes of the state after the year 1909. The legislature is required to define an unlawful combination or trust and to enact laws punishing persons engaged in such business. It is required further to pass such laws as are necessary for carrying into effect the provisions of the constitution.

Limitations.—Under “Powers and Duties,” it is stated the legislature shall have power to pass laws on many subjects. However, as we have stated in defining federal

and state powers, the legislature need have no grant of powers from the people, but may legislate upon every rightful subject of legislation, unless prohibited by the constitution of the state, constitution of the United States or laws of the United States passed pursuant thereto. A grant of powers is, therefore, wholly unnecessary. The legislature, however, is prohibited by the state constitution from passing laws on many subjects. We will now consider these limitations:

Special or local laws relating to a variety of subjects are prohibited.

No officer shall be retired on pay or part pay.

Public money shall not be appropriated for the establishment of a bureau of immigration.

The number or compensation of employes of the legislature shall not be increased except by general law, which shall not take effect during the session at which the law was passed.

No property shall be exempt from taxation except as provided in the constitution.

No exclusive rights shall be granted to any association, corporation or individual.

No right or remedy which shall become barred by lapse of time or by statute of the state shall be revived. After suit has been commenced, the legislature shall have no power to take away the cause of action or destroy an existing defense.

The indebtedness of any individual or corporation to the state, county or municipal corporation shall not be released or extinguished.

Miscellaneous Provisions.—No money shall be paid out of the treasury of the state except by appropriation by law, nor unless such payments be made within two and one-half years after the passage of the act, and every appropriation law shall specify the sum appropriated and the object to which it is applied. The general appropriation bill shall embrace nothing but appropriations for the expenses of the executive, legislative and judicial departments, and for interest on the public debt.

Acts shall embrace but one subject, which shall be expressed clearly in their titles.

Emergency Measure.—An emergency measure is one necessary for the immediate preservation of the public peace, health or safety, and shall not include the granting of a franchise or license to a corporation or individual, to extend longer than one year, nor provision for the purchase or sale of real estate, nor the renting or incumbrance of real property for a longer term than one year. A three-fourths vote shall be required to pass an emergency measure over the veto of the governor.

System of Checks and Balances.—The legislature is required to provide for a system of checks and balances between the officers of the executive department, and all commissioners, superintendents and boards of control of state institutions, and all other officers entrusted with the moneys of the state.

ARTICLE VI.

Executive Department.

State Officers.—The executive authority of the state is vested in the following, with their respective salaries attached: Governor, \$4,500; lieutenant-governor, \$1,000; secretary of state, \$2,500; state auditor, \$2,500; attorney-general, \$4,000; state treasurer, \$3,000; superintendent of public instruction, \$2,500; state examiner and inspector, \$3,000; chief mine inspector, \$3,000; commissioner of labor, \$2,000; commissioner of charities and corrections, \$1,500; commissioner of insurance, \$2,500; corporation commissioners, \$4,000; and such other officers as may be provided by law or the constitution. The above officials are elected by the people and their term of office is four years. The first eight named must be at least 30 years of age. The governor, secretary of state, state auditor and state treasurer shall not be eligible immediately to succeed themselves.

Other Boards.—In addition to the foregoing there are created a board of agriculture, composed of farmers (Sec. 164), which has jurisdiction over all matters af-

fecting animal industry and regulations, and it is, in addition, the board of regents for the state agricultural and mechanical college; also the commissioners of the land office, who have charge of all matters affecting public and school lands (Sec. 165).

Governor.—The governor is the supreme executive power of the state (Sec. 135), is commander-in-chief of the militia (Sec. 139), may convoke the legislature in special session (Sec. 140), and shall cause all laws to be executed (Sec. 141). He conducts the business of the state with other states and with the United States (Sec. 141). He communicates by message with the legislature, advising it of needed legislation and the condition of the state (Sec. 142). He has power to pardon convicted persons (Sec. 143), and may veto any bill passed by the legislature (Sec. 144). He shall commission all officers not otherwise commissioned and shall appoint persons to fill all vacancies (Sec. 146). In case of disagreement between the two houses with respect to the time of adjournment he may adjourn them (Sec. 147).

Lieutenant-Governor.—The lieutenant-governor shall possess the same qualifications as the governor and shall be president of the senate (Sec. 148). In case of the death, resignation or inability of the governor to act, he shall perform the duties of governor (Sec. 149).

Secretary of State.—The secretary of state shall keep a register of all official acts of the governor and shall attest them when necessary. All original copies of laws and other state papers are deposited in his office. He is the custodian of the great seal of the state and authenticates all documents with it, when necessary, such as articles of incorporation, certified copies of laws, pardons, etc.

State Examiner and Inspector.—This is an office not found in most states. This officer must be an expert accountant and shall examine twice a year the books of every county treasurer. He shall also prescribe a uniform system of bookkeeping for the county treasurers of the state.

Commissioner of Labor.—This officer has charge of all matters relative to labor, and recommends needed legislation pertaining to that subject.

Commissioner of Insurance.—This officer attends to all matters relative to all kinds of insurance. He determines whether insurance companies have complied with the law, collects the fees and regulates all insurance matters.

Chief Mine Inspector.—This is an unusual office. The incumbent must have had at least eight years' experience as a practical miner. He has supervision of all matters pertaining to mines, oil and gas.

Commissioner of Charities and Corrections.—This is an unusual and very important office. The commissioner has charge of the investigation and regulation of all public charities, jails, hospitals, asylums, etc., and may be of either sex.

Bank Commissioner.—This officer is appointed by the governor for a term of four years. He has supervision of banks and banking in the state, examines the books of all banks in the state, except national banks, and makes needed regulations and recommendations (Sec. 315).

The *Clerk of the Supreme Court* is another officer elected by the people of the entire state at the same time as the governor. He must be at least twenty-five years of age, and his term of office is four years (Sec. 176). He has charge of all papers in cases pending before the supreme court, keeps a journal of its proceedings and certifies to its official acts.

The *attorney-general*, *state auditor*, *state treasurer* and *state superintendent of public instruction* are not given specific duties by the constitution, except where they have been made members of boards or have unusual duties imposed upon them.

The *Attorney-General* is the state's lawyer. He advises the governor and all departments upon law questions and attends to all law suits in which the state is interested.

The *State Auditor* audits all accounts against the state and issues warrants in payment of the state's debts before they are presented to the treasurer.

The *State Treasurer* is the custodian of the funds of the state and pays all warrants issued by the auditor.

The *State Superintendent of Public Instruction* has supervision of all educational matters. He is president of the board of education.

Great Seal — Every one should familiarize himself with the Great Seal of the State. It is the product of the mind of Delegate Gabe E. Parker, and is replete with historical beauty (Sec. 168).

ARTICLE VII.

Judicial Department.

Definition.—The judiciary is the law-interpreting or law-deciding part of the government.

Courts.—The judicial power of the state is vested in the senate sitting as a court of impeachment, supreme court, district courts, county courts, courts of justice of the peace, municipal courts and such other courts as may hereafter be created.

Impeachment.—All elective officers of the state may be impeached (Sec. 199) by the senate, sitting as a court of impeachment (Sec. 201).

The *Supreme Court* is the highest court in the state. It is composed of five justices, who must be at least 30 years of age and practicing lawyers or judges for five years. Their term of office is six years. The state is divided into five supreme districts. Each supreme district nominates the justice for that district, but he is voted upon by the people of the entire state. The supreme court renders opinions, which are printed in books, called "Oklahoma Reports." Its decisions are the highest in the state and must be followed by all other state courts and officers. The court appoints a marshal, who attends the sessions of the court and serves all writs or

other process. The salary of supreme justices is \$4,000 per annum. Of the first justices elected the term of two expires in 1909, two in 1911 and one in 1913.

District Courts.—The state is divided into twenty-one judicial districts, and there is a district judge of each district, elected by the voters thereof. The district court has jurisdiction of all civil and criminal cases except such as is conferred upon some other court. The term of office of the judge is four years; he must be at least 25 years of age, a practicing lawyer or judge for four years, and is paid a salary of \$3,000 per annum. Appeals may be taken from the district court to the supreme court.

County Courts.—There is a county court in each county and a judge thereof called the county judge. The term of office of the county judge is two years. He receives a salary varying from \$1,000 to \$3,000 per annum, according to the size of the county. The county court tries all matters pertaining to estates of deceased persons and children and may try any case not involving more than \$1,000. It may also try misdemeanor cases and act as an examining magistrate. In the absence of the district judge the county judge may exercise all the powers of the district court or judge.

Justices of the Peace may try all cases involving not more than \$200, and may try misdemeanor cases where the punishment does not exceed a fine of \$200 and imprisonment in jail for thirty days. Justices of the peace also act as examining magistrates. Cities of more than twenty-five hundred inhabitants have two justices of the peace. There are two justices for each municipal township.

ARTICLE VIII.

Impeachment and Removal From Office.

For What Cause.—State constitutions provide usually that all elective state officers may be impeached or removed from office for wilful neglect of duty, corruption in office, habitual drunkenness, incompetency or any of-

fense involving moral turpitude committed while in office. Our constitution contains such provisions. All other officers may be removed in such manner as is provided by law.

How.—In impeachment proceedings, the senate sits as a court of impeachment, each member taking a special oath for this purpose. The accused person is tried before the senate, the chief justice of the supreme court presiding. No person can be impeached unless he be charged first by the house of representatives with an offense.

ARTICLE IX.

Corporations.

Definitions.—A private corporation is an association of individuals or a joint stock company, having powers or privileges not possessed by individuals.

It is defined to be a collection of individuals united by authority of law under a special name, with the right of perpetual succession (which means it never dies) and of acting in many ways as an individual.

How Corporation Is Organized; Powers.—Most of the business of this country is now carried on by corporations. The reason for this is plain. The more business one does, the more money it takes to run it. Few persons have enough money to run a business requiring an investment of several thousand dollars. In order to conduct a large manufacturing or commercial business of any kind, a number of persons organize a corporation, each person subscribing for as much of the capital stock as he can afford. In this way a large amount of money is raised and an immense business can be carried on. Each stockholder is liable only to creditors of the corporation for the amount of the capital stock he owns. Each corporation has a charter or articles of incorporation. These articles are granted by the state upon application of the persons who organize. The corporation has by-laws which define its officers and their duties. No officer is permitted to do an act in his official capacity beyond the scope of the powers given him by the state

or by the by-laws. The corporation has a board of directors, consisting of several persons, who perform certain duties prescribed by law and the by-laws. A corporation differs from a partnership in many ways, but more especially in this: A partner is bound by any act done by a co-partner, even without the latter's consent or knowledge, in the conduct of the partnership business; while a stockholder of a corporation is only bound by the action of the officers, acting within the scope of the powers given them by the by-laws and the laws of the state. Each corporation is required to maintain an office in the state. A corporation organized in the state in which you live is called a domestic corporation; one doing business there, but organized in another state, is called a foreign corporation. In some states, domestic corporations are given rights which a foreign corporation do not have.

Railroads.—Of late years railroad corporations are not permitted to carry anything manufactured, mined or produced by them, except such as may be necessary in the conduct of their business. They are not permitted to issue free passes to officials in many states.

In many states there is a railroad commission. This is composed of men (usually three) elected by the people of the state. The duty of this commission is to regulate railroads. Each state, let it be understood, has authority to regulate the railroads in that state only, and even then it cannot interfere with what is known as *interstate commerce*, which means articles being carried from one state into another. Most railroad commissions are created by the legislature of the state. The constitution of Oklahoma, however, has the most lengthy provisions relating to corporations and railroads.

Corporation Commission; Powers and Duties.—Article IX creates the corporation commission and defines its duties. This commission has control over all transportation and transmission, electric light, gas, heat and power companies, known as public-service corporations, and may regulate their rates and charges and correct abuses of which they may be guilty. Within the proper exercise of its jurisdiction it has all the powers of the

district court and may punish for contempt. Its decision is supreme, except that an appeal may be taken to the supreme court, providing a sufficient bond is given by the appealing company. No court except the supreme court has power to in any way control its actions. The commission has full power to inspect books and papers of any public-service corporation. The latter are not permitted to consolidate with any parallel line, nor can any railroad transport any article produced by it. All railroads must provide adequate and comfortable depots, must not pass within a distance of four miles of any county seat without passing through it, and must furnish cars for any one operating a mine, sawmill, grain elevator or other industry. The commission also has power to arbitrate, upon request, differences between corporations and employes. No transportation or transmission company is permitted to furnish any free pass to any one except those mentioned in section 217. No railroad shall charge more than 2 cents per mile for passenger fare, except upon order of the commission.

Membership.—The corporation commission consists of three members, who shall be elected at the same time as governor, and they shall hold office six years. The commissioners shall be resident citizens of the state for two years, and otherwise qualified, and not less than thirty years of age; and such commissioners shall not be interested directly or indirectly in any railroad, steamboat or pipe line. The commissioners shall not hold any other office and shall not engage in any occupation or business inconsistent with their duties. A special oath is provided.

Further Provisions About Corporations.—The constitution further provides, with reference to private corporations, that no corporation shall issue stock except for money, labor done or property actually received to the amount of the face value of the stock. Corporations are not permitted to influence elections or official duty by contributions of money; shall not own or control in any way any other corporation engaged in the same kind of business; and must dispose of such stock within twelve

months from the date it is acquired. All mining and public-service corporations shall submit to arbitration any difference they may have with their employes in reference to labor. When a corporation is organized, it must file with the corporation commission a list of its stockholders and officers, and every foreign corporation must select some person in the state to act as its agent. No association of individuals or corporations shall be formed for the purpose of destroying competition in any article of general use. The legislature is required to provide penalties for the proper enforcement of provisions relative to corporations.

ARTICLE X.

Revenue and Taxation.

It costs something to keep up the government. Our federal and state governments are poor. They have nothing except what the people give them according to law. There can be no legal extortion in this country.

Method Adopted; Taxation.—The method adopted to create the necessary money to run the government is taxation of property. Every person who owns property is taxed, but every person who lives in this country, although he does not own property, pays a portion of the taxes indirectly. If he lives in a rented house, the landlord includes his taxes in the rent; the merchant includes his taxes in the price he gets for his goods, and so on.

How Property Is Divided.—For purposes of taxation, all property is divided into two classes: real and personal. The former includes real estate and buildings thereon, and the latter includes all other property, such as personal effects. All property is assessed and taxed upon an ad valorem basis, which means its fair cash value. Each state constitution fixes the total amount of taxes which may be laid for all purposes. Inasmuch as the people say what shall be in the constitution, this amount in our form of government can never be a burden.

Power of Taxation; Direct and Indirect Taxes.—The power of taxation is possessed by the state and also by

the United States. While this power to levy direct taxes, or taxes on persons and property, is possessed by the United States government, it has exercised this power only five times; namely, in 1798, 1813, 1815, 1816 and 1861, and each time the law was in force only a year. The United States gets money to run its government from taxes (called import duties) laid on articles imported from abroad; and also from internal revenue taxes, which are taxes laid on whisky, beer and tobacco. These taxes may therefore be called *indirect taxes*, because the consumer pays the tax indirectly.

How Tax Is Collected.—The state, as such, rarely levies a tax. It has no tax gatherer, unless the state officer who receives fees paid by foreign corporations or for other special purposes may be called such. The state places upon each county the duty of raising taxes to run the state government, and the county, in turn, in many states places this duty upon the township, and thus the government is localized. Taxes are collected by assessors in each county and township, as explained in the chapters on Township and County.

Taxes for Local Improvements.—Power is given the legislature to authorize county and municipal corporations to collect taxes for local improvements upon property benefited thereby, homesteads included, without regard to value.

Total Taxes; How Divided.—The total taxes shall not exceed in any one year 31 1-2 mills on the dollar, divided as follows: State levy, not more than 3 1-2 mills; county levy, not more than 8 mills, with power to levy 2 mills additional, for county high school and common schools, not over one mill of which shall be for the high school; township levy, not more than 5 mills; city or town levy, not more than 10 mills; school district levy, not more than 5 mills. The annual rate for school purposes may be increased not to exceed 10 mills, where a majority of the voters vote for the increase.

Corruption.—It is made a felony for an officer to receive any interest or profit for the use of public funds in his hands.

License and Franchise Taxes.—The legislature is given express power to levy special license and franchise taxes.

Taxes Collected by General Laws; Other Provisions.—The state may select its subjects of taxation independent of counties or cities. Taxes shall be levied and collected by general laws, and the state shall not assume the debt of, nor extend its credit to, any city or county; nor shall it extend its credit to any individual or corporation. No city, county or school district shall become a stockholder in any corporation nor loan its credit to any individual or corporation.

State Board of Equalization.—There is a state board of equalization, consisting of the governor, state auditor, state treasurer, secretary of state, attorney-general, state examiner and inspector and president of the board of agriculture. The duty of the board is to adjust and equalize the valuation of real and personal property of the several counties in the state and to assess all railroads and public-service corporations.

State Debt; Poll Tax.—Provision is made for the levy of a tax sufficient to pay the interest and principal of the state debt within twenty-five years, and for the levy of a poll tax on all electors under the age of 60 years.

The state debt shall not at any time exceed \$400,000, except in case of invasion or insurrection. The debt, however, may be increased by law for some special work or object, after being submitted to the voters of the state and a majority voting therefor.

Debt Limit; Public Utilities.—No city, school district or county shall become indebted to an amount exceeding in any year the income for such year, without the assent of three-fifths of the voters; however, any city or town may by a majority vote, purchase or construct public utilities, to be owned exclusively by the city.

Evidence of Debt to Be Indorsed.—No bond or evidence of debt of the state shall be valid unless indorsed by the auditor and attorney-general of the state; nor shall any bond or evidence of debt of any county or town-

ship be valid unless indorsed by the county clerk and county attorney.

System of Bookkeeping.—The legislature is required to provide for a uniform system of bookkeeping for all moneys collected by taxation.

Exemptions.—All property used for religious and educational purposes, property belonging to the United States, state, county or municipality, household goods of heads of families not exceeding \$100 in value, and all growing crops, are exempt from taxation. Personal property not exceeding \$200 in value belonging to ex-union and ex-confederate soldiers is also exempt. For the purpose of inducing the establishment of manufacturing enterprises, the people of any city or town are authorized to exempt them from taxation for a period of five years.

ARTICLE XI.

State and School Lands.

Grants for School Purposes.—The enabling act granted certain lands to the state for the use of the state university, agricultural and mechanical college and normal institutions, and the state accepted these grants. The enabling act also granted \$5,000,000 for public-school purposes. The faith of the state is pledged to preserve such lands and moneys as a sacred trust. The permanent school fund consists of the proceeds from the sale of public lands, the sum of \$5,000,000, and the proceeds of other donations and gifts. This sum shall be invested and only the interest used, together with the net income from the leasing of public lands. Certain sections are permitted to be sold under act of the legislature, for educational and public building purposes. Section 13 in every township in old Oklahoma territory is set apart for the use of the state university and preparatory school, the normal schools and the agricultural and mechanical college.

Investment of Permanent School Fund.—The permanent school fund and other educational funds shall be

invested in first mortgages upon good and improved farm lands, state bonds, school district bonds and United States bonds, preference being given in the order named.

Under this provision poor farmers are enabled to borrow 50 per cent of the reasonable valuation of their lands, without improvements, at a low rate of interest.

ARTICLE XII.

Homestead and Exemptions.

What Homestead Consists of.—The homestead of any family in the state not within any city, town or village, shall consist of not more than 160 acres, which may be in one or more parcels. The homestead within any city, town or village, owned and occupied as a residence only, shall consist of not more than one acre of land, worth not more than \$5,000.

The homestead is protected from forced sale, except for the purchase money therefor, taxes due, or for work and material used for improving the same. The owner, if married, shall not sell the homestead without the consent of his or her spouse (that is, the husband or wife); but they may mortgage the homestead. This article may be changed or amended by the legislature.

ARTICLE XIII.

Education and Schools.

Oklahoma Progressive; Free Schools.—The state of Oklahoma has taken a progressive stand upon the subject of education. We have provided for a system of free separate public schools and for the establishment of institutions for care and education of the deaf, dumb and blind.

Compulsory Attendance.—The constitution also provides for the compulsory attendance at some public or other school of all children who are sound in mind and body and between the ages of 8 and 16 years, for at least three months in each year.

A uniform system of text-books is provided for, and power is conferred upon the legislature to provide for teaching the elements of

Agriculture, Horticulture, Stock-Feeding and Domestic Science in the common schools of the state. This last provision is both wise and unique, and is not, we believe, to be found in any constitution but ours.

School Fund and Lands.—A splendid heritage will be left our children in the school funds and lands of the state. In lieu of any public lands in the Indian Territory, congress granted \$5,000,000 to the new state, to be invested for the benefit of the public schools, the interest thereon to be used exclusively for their support and maintenance. There was also granted to the state several thousand acres for the benefit of the common school fund and the higher educational institutions. The value of these lands has been estimated at from forty million to one hundred million dollars. Much of this school land contains valuable mineral deposits. The state derives a revenue from these lands by renting them.

What It Amounts to.—Upon April 1, 1908, the state owned more than 2,000,000 acres, divided into nearly 8,000 tracts. From the rental of these tracts the state received an average annual rental varying from \$69 to \$106 per quarter section. The total annual rental is more than one-half a million dollars. In addition, the state owns more than 1,000,000 acres granted under the enabling act for the benefit of the University of Oklahoma and other institutions of higher learning.

Oklahoma to Lead in Education.—With this enormous school fund, with the revenues constantly increasing, Oklahoma is destined to equal, in the matter of education, any state in the union.

ARTICLE XIV.

Banks and Banking.

The legislature is required to create a banking department, to be under the control of a bank commissioner,

whose duties are referred to under article VI. The commissioner has power to regulate and control state banks, loan, trust and guaranty companies.

Rate of Interest.—The legal rate of interest shall not exceed 6 per cent per annum, in the absence of contract, and not to exceed 10 per cent per annum, under contract. Where a greater rate of interest than 10 per cent is charged, the entire interest is forfeited, and in case a greater rate has been paid, the person to whom it is paid shall be liable in double the amount of the interest.

ARTICLE XV.

Oath of Office.

Should Be Memorized.—The oath of office provided in the constitution is very binding, and must be taken by all legislative, judicial, state and county officers. It should be memorized by every citizen and future citizen of Oklahoma, and is worthy of adoption by other states of the union.

“I,, do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States and the constitution of the state of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid, or contributed, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the state, or procured it to be done by others in my behalf; that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law, and I further swear (or affirm) that I will not receive, use or travel upon any free pass or on free transportation during my term of office.”

Before Whom Taken; False Swearing.—In the case of state officers and judges of the supreme court, the oath shall be filed with the secretary of state, and in case of

other judicial and county officers, in the office of the clerk of the county in which the same is taken; any person refusing to take the oath shall forfeit his office, and any person convicted of swearing falsely shall be guilty of perjury and be disqualified from holding any office of trust or profit within the state. The oath to members of the legislature shall be administered by one of the supreme judges, if present.

ARTICLE XVI.

Public Roads, Highways and Internal Improvements.

Most state constitutions contain provisions relative to roads. These matters are within the control of the state and not of the federal government.

Necessity of Good Roads.—The necessity of good roads was recognized early in the history of the world. The famous roads made by the Roman government leading to Rome are familiar to every school child. Our revolutionary fathers found the sending of mail and news from one colony to another a great task, owing to poor roads. Aside from good crops, nothing is more important to the farmer than good roads. His crop is of little value unless he can market it, and the prosperity of every one is dependent upon the ready market afforded to the producer of the things we eat.

Department of Highways.—The legislature is directed to establish a department of highways, to create improvement districts and to provide for building public roads and the working of convicts thereon.

Levees, Drains and Ditches.—The legislature is required, further, to provide for a system of levees, drains, ditches and irrigation, and to provide for a system of taxation on the lands benefited by them, or on the crops produced on the land, to discharge the necessary expense; and to provide for the compulsory issuance of bonds by owners or lessees of the lands benefited by them.

ARTICLE XVII.

Counties.

General Provisions and Power.—There are seventy-five counties in this state (Art. XVII). Each county has a county seat, at which all the business of the county is carried on. The county boundaries and county seats are fixed by the constitution, and can only be changed by amendment to the constitution or by vote of 60 per cent of the voters of the locality affected (Sec. 326). No county boundary may be nearer than ten miles to the county seat; nor shall any county contain less than 400 square miles, 15,000 people, and taxable wealth not less than two and a half million dollars. The levy of taxes in each county shall not exceed eight mills, provided that two mills additional may be added for schools (Sec. 275), and a majority of the qualified voters may authorize an additional levy of five mills for the erection of public buildings (Sec. 276). No county or other subdivision of the state shall be allowed to become indebted for any purpose in any one year exceeding the income of that year (Sec. 292), without the assent of three-fifths of the voters, nor shall any indebtedness in the aggregate exceed 5 per cent of the valuation of taxable property of the county. No bond or evidence of debt of any county shall be valid unless there is indorsed thereon a certificate showing that it is within the debt limit (Sec. 295).

Removal of County Seats.—A petition is signed by 25 per cent of the qualified electors of the county. This petition is verified by affidavit of each person signing and is filed with the governor any time after four months after the admission of the state. Within thirty days thereafter the governor shall issue a call for an election, and said election shall be held not less than sixty nor more than seventy days after the call. The election laws of the state shall govern, and such public notice shall be given as the governor may direct. The governor shall place upon the tickets only the names of such towns as shall, more than twenty days prior to the election, file with him a verified petition, signed by not less than 300 qualified electors of such county.

Rules to Govern.—The following rules shall govern until the county seat is once located by vote of the people, but not later than the first day of April, 1909: If the petition is filed with the governor more than six months prior to said date and the election is delayed because of legal proceedings, the time for holding the election shall be extended the length of time such election is delayed. Where the county seat named in the constitution is within six miles of the geographical center, it shall require 60 per cent of the total vote cast by the competing town to effect such removal, unless the competing town be more than one mile nearer the geographical center, in which event a majority vote will suffice. If more than two towns are voted for, and neither receives the proportion of votes required, there shall be held a second election, and the two towns receiving the highest number of votes shall be the only ones voted for, and the town receiving the necessary proportion of votes shall be the county seat. The above rules shall govern after the first day of April, 1909, but the town to which removal is sought must receive two-thirds of all the votes cast; and elections shall be held not oftener than once every ten years.

Names of Counties and County Seats.—The names of counties and county seats established by the constitution are as follows: Adair, Westville; Alfalfa, Cherokee; Atoka, Atoka; Beaver, Beaver; Beckham, Sayre; Blaine, Watonga; Bryan, Durant; Caddo, Anadarko; Canadian, El Reno; Carter, Ardmore; Cherokee, Tahlequah; Choctaw, Hugo; Cimarron, Kenton; Cleveland, Norman; Coal, Lehigh; Comanche, Lawton; Craig, Vinita; Creek, Sapulpa; Custer, Arapaho; Delaware, Grove; Dewey, Taloga; Ellis, Grand; Garfield, Enid; Garvin, Pauls Valley; Grady, Chickasha; Grant, Pond Creek; Greer, Mangum; Harper, Buffalo; Haskell, Stigler; Hughes, Holdenville; Jackson, Altus; Jefferson, Ryan; Johnston, Tishomingo; Kay, Newkirk; Kingfisher, Kingfisher; Kiowa, Hobart; Latimer, Wilburton; Le Flore, Poteau; Lincoln, Chandler; Logan, Guthrie; Love, Marietta; Major, Fairview; Marshall, Madill; Mayes, Pryor Creek; Murray, Sul-

phur; Muskogee, Muskogee; McClain, Purcell; McCurtain, Idabel; McIntosh, Eufaula; Noble, Perry; Nowata, Nowata; Okfuskee, Okemah; Oklahoma, Oklahoma City; Okmulgee, Okmulgee; Osage, Pawhuska; Ottawa, Miami; Pawnee, Pawnee; Payne, Stillwater; Pittsburg, McAlester; Pontotoc, Ada; Pottawatomie, Tecumseh; Pushmataha, Antlers; Roger Mills, Cheyenne; Rogers, Claremore; Seminole, Wewoka; Sequoyah, Sallisaw; Stephens, Duncan; Texas, Guymon; Tillman, Frederick; Tulsa, Tulsa; Wagoner, Wagoner; Washington, Bartlesville; Washita, Cordell; Woods, Alva; Woodward, Woodward.

County and Township Officers; Compensation.—Justices of the peace and other township officers receive fees. The county officials and their compensation (which varies according to population) are as follows: Judge, \$1,000 to \$3,000; attorney, \$1,000 to \$3,000; sheriff, \$1,600 to \$2,800; clerk of the district court, fees; register of deeds, \$800 to \$2,000 and fees; clerk, \$500 to \$1,600; treasurer, \$800 to \$2,200; superintendent, \$3 per day to \$1,200 per annum; surveyor, fees; commissioners, \$1,000.

ARTICLE XVIII.

Municipal Corporations.

Definition.—A municipal corporation is an organized town or city, having a mayor or other executive officers, provided by law. The legislature provides that when a village reaches a certain size, it may become incorporated; that is, it may have an organized town government. As it grows larger, it may have a city government. It then has rights and powers which an incorporated village does not have, but it also has burdens. The people must pay additional taxes in order to pay the salary and other expenses of town and city government. Further details of the machinery of their governments may be found in the chapters on the Village, Town and City.

Powers; New Charters.—Under our constitution municipal corporations have such powers as are usually conferred upon them and have additional powers, chief

Note—Commissioners' salaries range from \$400 to \$800 according to population.

among which is the power given the people to make or amend their charters. Every city of over 2,000 inhabitants may frame a charter for its own government by electing a board of two persons from each ward. This board formulates a charter containing such local provisions as are desired, and if a majority of the voters of the city ratify it, it is submitted to the governor, and upon his approval becomes the charter of the city. By this procedure any city may have any form of government not inconsistent with the constitution which its citizens desire. It is under this provision that many cities are agitating the Galveston plan, or "commission form of government." The initiative and referendum is specially reserved to every municipal corporation by section 415. By this means ordinances may be initiated and repealed. No franchise can be granted, extended or renewed except by vote of the people, and no exclusive franchises shall be granted. A franchise is a right or license granted by the state, county or municipality to use the public highways, streets or alleys of a city, for purposes of its business. Every municipality may engage in any business (Sec. 422) and may construct and operate any public utility (Sec. 293). It may also levy and collect assessments for local improvements upon property benefited thereby (Sec. 272). Under this provision any neighborhood in the town may build sidewalks or otherwise improve its condition.

Initiative and Referendum.—Every petition for the initiative and referendum shall be signed by 25 per cent of the total number of votes cast at the preceding election.

Initiative; Enactment of Ordinance.—When such petition demands the enactment of an ordinance, other than a franchise, it shall be presented by the chief executive officer to the legislative body of the city at its next meeting; and unless it is granted more than thirty days before the next election, it shall be submitted to the voters for approval or rejection, at said election.

Referendum on Ordinance.—When a referendum vote is demanded, the ordinance shall be submitted to the

qualified voters of the city at the next general city election, and a majority vote shall decide whether the ordinance will stand or be repealed.

Amendment to Charter; How Made.—When such petition demands an amendment to a charter, the petition shall be submitted to the voters at the next election, and if a majority of the voters vote for said amendment, it shall become a part of the charter, when approved by the governor.

Reservation of Control Over Public Highways; Regulation of Charges.—No franchise shall prevent the state or any subordinate subdivision from regulating and controlling the highways and streets; nor shall the power to regulate charges for public services be surrendered; nor shall any exclusive franchise be granted.

ARTICLE XIX.

Insurance.

Department of Insurance.—We have already referred to the department of insurance under Executive Department, and called attention to the duties of insurance commissioner.

Foreign Companies; Fees.—All foreign insurance companies are required to comply with the laws of the state, by depositing collateral or indemnity and agreeing to pay taxes and fees. Foreign companies are also required to pay 2 per cent on all premiums collected in the state.

All fees collected by the insurance commissioner shall be paid to the state treasurer monthly.

ARTICLE XX.

Manufacture and Commerce.

The sale of denaturized alcohol is permitted, as provided by law. The flash test for kerosene is declared to be 115 degrees Fahrenheit, and the specific-gravity test is 40 degrees Baume.

ARTICLE XXI.

Public Institutions.

Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and mute, and such other institutions as the public good may require, shall be established and supported by the state, as the law may require.

ARTICLE XXII.

Alien and Corporate Ownership of Lands.

Aliens to Sell Within Five Years.—No alien or person who is not a citizen of the United States shall own land in this state, and such persons shall dispose of their land within five years, upon condition of forfeiture to the state. This provision, however, does not apply to Indians born within the United States, nor to aliens who are citizens of this state.

Restrictions Upon Corporate Ownership.—No corporation shall be created or licensed in this state for the purpose of dealing in land, other than that located in incorporated cities and towns. However, corporations may take mortgages on land to secure loans made and may foreclose such mortgages, but shall dispose of such lands within seven years. No public-service corporation shall hold land in any way except such as is necessary for transacting its business.

ARTICLE XXIII.

Miscellaneous.

Labor.—Our constitution contains many provisions favorable to labor, chief among which are the following:

Eight hours shall constitute a day's work for the state, county or municipality (Sec. 435), and in all cases in mines underground (Sec. 438).

The contracting of convict labor is prohibited (Sec. 436).

The employment of children under the age of 15 years in any occupation injurious to health or morals or hazardous to life or limb is prohibited (Sec. 437).

Boys under the age of 16 years and women and girls shall not be employed underground (Sec. 438).

Provision for arbitration between employers and employes, heretofore referred to (Secs. 226-257).

The creation of a department of labor (Sec. 153) and provision for the creation of a board of arbitration and conciliation (Sec. 154).

Contributory Negligence.—This defense shall at all times be left to the jury.

Personal Injuries.—The right to recover damages resulting in death shall never be taken away; and the damages shall not be subject to any statutory limitation.

Waiver of Rights.—Any provision of a contract, waiving any of the benefits of the constitution, is declared null and void; and any provision requiring notice or demand, other than such as is provided by law, as a condition precedent to establish any claim, shall be void.

Change in Salary or Emoluments.—Except wherein otherwise provided in the constitution, in no case shall the salary or emoluments of any public official be changed after his election or appointment or during his term of office, except by law enacted prior to such election or appointment. The term of any officer shall not be extended beyond the period for which he was elected or appointed. All officers, however, shall continue to perform their duties until their successors are qualified.

Definition of Races.—"Negro," or "colored," means a person of African descent. The term "white race" shall include all other persons.

ARTICLE XXIV.

Constitutional Amendments.

Proposed in Legislature; Election.—An amendment may be proposed in either branch of the legislature, and when agreed to by a majority of the members elected to each house, such proposed amendment shall be entered on the journals and it shall be voted on at the next general election, unless by two-thirds vote of each house a special election is ordered.

New Convention; Referendum Vote.—No convention shall be called by the legislature to propose amendments unless the law providing for the convention shall first be approved by the people on a referendum vote; and any amendment or new constitution proposed by such convention shall be submitted to the electors of the state and be approved by a majority of the electors voting thereon. The question of a new convention shall be submitted to the people at least once in every twenty years.

Initiative Petition.—In addition to the foregoing, the people have the right to propose amendments to the constitution as provided in Article V.

SCHEDULE.

Change From Territorial Government.—In order that no inconvenience may arise by reason of the change in the forms of government, it is declared as follows: No existing rights, actions, proceedings or contracts shall be affected by the change, but all shall continue as if no change had taken place.

The laws of the territory of Oklahoma in force at the time of the admission of the state, which are not repugnant to the constitution, shall remain in force until repealed by law.

The constitution shall be in force immediately upon admission of the state into the union.

All notaries public appointed before statehood may continue to exercise their duties. Females may act as notaries public.

The property of the territory becomes the property of the state.

All ordinances in cities and towns continue in force as if no change had taken place, and all taxes shall be collected under existing laws.

Certain acts of congress relating to miners are adopted.

Dental surgeons practicing on the 16th day of June, 1906, are licensed to practice without examination.

The boards of regents of the university and preparatory and normal schools shall continue to exercise their

functions until their successors are elected or appointed.

The legislature is required to provide for the equitable division of property of all counties in old Oklahoma.

The limitation on the amount of indebtedness which may be incurred by a county, city, school district or other subdivision, shall not apply to indebtedness owing at the time of admission of the state.

Provision is made for the transfer of cases pending at the time of admission of the state; and the amendments to the enabling act are accepted.

Attorneys duly practicing before statehood are licensed to practice without examination; and newspapers published before statehood are declared to be legal publications.

The expenses of the first election are assumed by the state, and the election ordinance and prohibition article are ratified.

The terms of officers elected at the first election shall commence upon the admission of the state.

The constitution shall be filed in the office of the secretary of state.

PROHIBITION ARTICLE.

By the enabling act the manufacture or furnishing of liquor in that portion of the state formerly known as Indian Territory was prohibited for twenty-one years. This became the law regardless of any action on the part of the state. The constitutional convention, however, provided that this prohibition should extend to the entire state, and the prohibition article thus adopted was ratified by the people. The legislature is authorized to create an agency in each town of not less than 2,000 and at least one in each county, where liquor may be secured upon prescription by a physician for medicinal purposes.

CHAPTER XIII.

FEDERAL AND STATE SOVEREIGNTY.

"Still one thing more, fellow citizens—a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.—*From Thomas Jefferson's First Inaugural.*

The Two Governments Under Which We Live.—It is intended in this chapter to give the student a clearer understanding of the two forms of government under which he lives. The one is federal; the other, state. Both are "of the people, by the people and for the people." The people made them. We will examine their development from colonial days and show how the colonies came into statehood and how the people from the first settlement of this country claimed all the rights of Englishmen. Then we will examine the scope of federal and state powers.

Government of the Colonies.—The colonists came over from England and formed themselves into colonies. Each colony had some form of local government. Most of the colonies were first planted by companies or proprietors. These companies or proprietors received grants or concessions from the crown to form colonies. Massachusetts, Connecticut and Rhode Island, however, were formed by voluntary associations of men who were bound together only by moral bonds. The colonies were largely the result of "private enterprise and public spirit." In the year 1606 the mother country granted a charter which contained a guaranty "that became the great bulwark of colonial rights and liberties." In this charter it was guaranteed that the colonists should enjoy all liberties and immunities of subjects born in England.

Development of Local Government.—As the years passed, local government developed. Throughout the colonial period the same types of government were pre-

served. Some of the colonies had charters or grants from the king. These charters granted to the people certain rights. Pennsylvania, Delaware and Maryland were "proprietary colonies." Their proprietors, William Penn and Lord Baltimore, were granted patents by the king; and these proprietors conceded to the people certain rights and privileges. New Hampshire, New York, New Jersey, Virginia, North and South Carolina and Georgia, have been designated "Royal or Provincial Colonies." They were governed by governors, in conjunction with assemblies and councils, receiving from time to time written instructions from the king. The last-mentioned colonies had no charters, but the characteristics of the people, concessions from the crown and the systems of government, were such that each had a "traditional constitution or charter." The political features of the colonies, therefore, were quite similar. Says an eminent writer (Hinsdale's *American Government*, p. 37):

"While the thirteen colonies differed in constitutional features, they practically agreed in respect to governmental form, machinery and administration. First, the sum total of powers and functions was distributed to local and to central institutions; secondly, the powers and functions distributed to each class of institutions were in the main the same; thirdly, the local institutions had certain general correspondences; and, fourthly, the central governments conformed to one general type."

Thus developed the local systems of government, which may be termed: the town type of New England, the county type of the south and the mixed type of the west. These types have been examined more in detail in the chapters on Town and Township, Civil District and County.

Each colony was really "a self-governing commonwealth, left to manage its own affairs, with scarcely any interference" from the mother country, says Mr. Bryce. We are speaking now of conditions before the differences arose which ended in the revolution. As regards civil and religious liberty, the colonists had all the rights of Englishmen. The right to vote was more restricted. The local government of each colony was patterned after English institutions. Owing, however, to the new conditions existing in the colonies, the distance from the mother country and the reliance upon their own resources, the

spirit of freedom flourished and developed during the years which preceded the revolution, and this spirit of freedom resulted at last in independence.

Declaration of Independence.—We are brought, then, to the Declaration of Independence. Here we find the assertion of truths which were advanced by philosophers, but never before had they been put into a declaration or constitution for the government of people. “We hold these truths to be self-evident,” is the language used, “that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness.” That governments are made to secure these rights, getting their power from the consent of the governed; that whenever a government destroys any of these ends, “it is the right of the people to alter or to abolish it.” Then follows a recital of those rights which the king of England had denied, which have been so carefully safeguarded in the bill of rights of the federal constitution, and the united colonies are declared to be “free and independent states,” and as such “have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.” From that hour the colonies became “free and independent states,” and here we find the organization of the political division known as the *state*. Here we find the first declaration of the inherent rights of the people.

Formation of States and Nation.—Having made this declaration, war began, and in 1777 the articles of confederation were formed, and in these articles it is stated: “Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this confederation *expressly* delegated to the United States in convention assembled.” Note the language used, “*expressly* delegated.” Evidently the people were so concerned about giving powers to the new federal government that they wanted no powers given except by express language. However, in the last paragraph of section 8, article I, of the constitution, congress

is given power to make all laws necessary and proper for carrying into execution any power vested in the federal government, and this provision gave rise to the doctrine of implied powers, which means the powers necessary for carrying out the provisions of the constitution, although not expressly given in it. Again, in the tenth amendment, the language used is, "The powers not delegated to the United States by the constitution . . . are reserved," etc. The word "expressly" before "delegated" is omitted, which strengthens the argument for implied powers in the federal government.

All Power Inherent in People.—We have thus examined briefly the history and development of government in the United States in order to impress clearly upon the student the proposition that all powers of government in this country come from the people; that all men have certain inalienable rights; that all just governments get their powers from the consent of the persons governed, and that only when this consent is given, and to the extent given only, can any power of government over a free people be exercised.

Definition of Inherent Rights, Privileges and Immunities; Citizenship.—There is, in books devoted to politics and systems of government, frequent use of the expression, "rights, privileges and immunities of citizens." What does it mean? When a person becomes a citizen of a government, he surrenders a portion of his natural rights; that is, those rights which would be his in a state of nature, subject to no restraints of government, but permitted to pursue his own impulses and happiness like an uncivilized being. He says to the government: "I want to become a member of your family, a citizen of your government." The government says to him: "Very well; you may do so, but you must abide by our rules and regulations." In the case of a foreigner coming to this country, a formal oath of allegiance must be taken, but a child takes the same citizenship as its parents. When a person becomes a member of the governmental family, therefore, he agrees that the government may regulate his conduct in certain ways. The government

has its regulations written down in the form of constitutions and laws, like the constitution and by-laws of a debating society or any other organized association of persons. When a person becomes a member of the governmental family, he assumes the status of a citizen. He is permitted in all respects to regulate his private conduct and his dealings with other men, so long as he does not trample upon the rights of others, as defined in the regulations or laws of the government, and so long as he performs his other duties as a citizen as provided in those laws. The people formed the government originally and consented that it should have certain powers. They first formed the colonies, then the states, then the United States. They became citizens of the several states and agreed regarding citizenship that a citizen of one state should be entitled to the privileges and immunities of citizens of the several states. Although the privileges and immunities of citizens may differ in each state, still each citizen living, though temporarily, in that state, is entitled to the privileges and immunities of its citizens. These rights, privileges and immunities have been the subject of judicial decision and no better definition of them can be given than the following:

"What are the privileges and immunities of citizens of the several states? We feel no hesitation in confining these expressions to those privileges and immunities which are fundamental and which have at all times been enjoyed by citizens of the several states which compose this union, from the time of their becoming free, independent and sovereign. What these fundamental principles are, it would be more tedious than difficult to enumerate. . . . They may all, however, be comprehended under the following general heads: Protection by the government, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the government may prescribe for the general good of all."

Federal and State Sovereignty Explained.—Every citizen of the United States then owes allegiance to two governments, the federal government and the state government. The federal government within its sphere is sovereign, the state government within its sphere is sovereign. The state existed before the United States. The latter could not have come into existence but for the states. The states could continue to exist without the United States, but the latter could not exist without the states. All the powers exercised by the federal government are delegated or granted powers, while the powers

exercised by the states are not grants, but were powers inherent in the people. One writer well says: "The national and state constitutions are written in different political vocabularies. The first speaks the language of delegated powers; the second speaks the language of inherent powers." We find in the federal constitution an enumeration of powers delegated to congress, which are the only powers that can be exercised by it. No state constitution need contain a grant of powers to the legislature. The legislature of a state may exercise every power of legislation not prohibited to it by the federal or state constitutions.

Extent of Federal and State Control.—It may then be properly asked, What can the federal and state governments do? The average citizen, in so far as he comes in contact with the federal government, knows very little of it. He goes to the postoffice to get his mail or Uncle Sam delivers it to him. The federal government handles the mail. He votes for congressman every two years and for president every four years, and is once in a lifetime perhaps called to serve as a juror in the federal courts. This is about the extent of the experience of the average citizen with the federal government. But what of the state? Its powers are many. Here are some of them:

It establishes schools and provides for the education of all children in the state.

It conducts all elections and regulates the manner of voting.

It incorporates cities and towns and provides for the government of all local communities, such as townships, counties, cities, towns and school districts.

It levies the taxes which support the state government.

It regulates all matters of marriage and divorce.

It provides for the trial and punishment of all persons charged with murder or any other offense.

It regulates the conduct of all business carried on by persons or corporations in the state, except what is known as interstate commerce.

It regulates the relations of parent and child, husband and wife, guardian and ward, master and servant.

It provides for the roads and bridges in the state.

It regulates the civil rights and liberties of individuals.

It is the big policeman, so to speak; for it maintains law and order in the state.

In fact, all matters which in law come under the head of police regulation (which includes all matters concerning public safety, health or morals) are within the exclusive control of the state.

Further Powers of the Nation.—The nation, then, attends to matters of national concern. It conducts our business with foreign nations, makes treaties which bind all the states and has the power to declare war. It is the department of foreign affairs.

Interstate Commerce.—It has jurisdiction over all matters of interstate commerce. This jurisdiction of the federal government over interstate commerce is the most important question before the American people today. Most of the business of this country is conducted by large corporations. These corporations ship their product into every state, and when this product passes from the state in which it is manufactured into another state, it becomes interstate commerce and subject to the control of the federal government. Railroads which pass from one state into another, carrying this product, are engaged in interstate commerce. There is no doubt about the power of a state to regulate the conduct of all corporations, as well as persons while in the state, but there is quite a difference of opinion as to how far the power of the federal government extends over interstate commerce.

Recent Conference at White House.—The importance of this question was the subject of discussion recently at the most historic gathering of its kind ever held in the United States. Upon the invitation of President Roosevelt, forty-four governors met at the White House and discussed the question of federal and state control over railroads and big corporations. Governor Comer

of Alabama voiced the sentiment of a majority of the governors when he expressed his concern over the effort of the federal government to control and regulate railroads and other large corporations, fearing that such action would take from the state a power they have. President Roosevelt, however, stated that he was in favor of the state regulating the railroads and other large corporations, if it could be done; and if it could not be done, he wanted the power given to the federal government. He expressed himself as being in favor of the states retaining every power of local self-government possible.

The question of what is interstate commerce has been the subject of judicial decision many times, but the technical construction of the powers of congress and of the states over the subject covers a field too elaborate for review here.

Constitution of United States Supreme.—While the states attend to all matters of domestic concern, it must not be forgotten that the constitution of the United States is the “supreme law of the land, and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.” (Const. U. S., Art. VI.)

This means that whenever any state passes any law which conflicts with the constitution of the United States or any law made lawfully by congress, or any treaty, the federal constitution is supreme and the action of the state is void. In determining this question, you should ask yourself these questions:

First, does the federal constitution give congress the power to pass the law?

Second, does the federal constitution prohibit the state from passing the law?

If the answer is “No” to each question, the state can pass any law upon any matter it sees fit.

SUGGESTIVE QUESTIONS.

1. What two governments are there in the United States?
2. How were the colonies formed?
3. What kinds of charters had the different colonies?
4. Describe the government in the colonies prior to the Revolution.
5. What fundamental truths are asserted in the Declaration of Independence?

6. Where does all power in our government come from?
7. What are inherent rights?
8. How may a foreigner become a citizen?
9. Describe the features of difference between the federal and state governments.
10. What powers does the state have?
11. What powers does the federal government have?
12. What is interstate commerce?
13. How can you tell whether the state has power to pass a law?
14. How can you tell whether congress has power to pass a law?

CHAPTER XIV.

THE NATION.

Government of the United States.

PRELIMINARY OBSERVATIONS.

"Youngster, let that show you what it is to be without a family, without a home and without a country. And if you are ever tempted to say a word or to do a thing that shall put a bar between you and your family, your home and your country, pray God in his mercy to take you that instant to his home in heaven. Stick by your family, boy; forget you have a self while you do everything for them. Think of your home, boy, write and send, and talk about it. Let it be nearer and nearer to your thoughts the farther you have to travel from it. And for your country, boy, and for that flag, never dream a dream but serving her as she bids you, though the service carry you through a thousand hells. No matter what happens to you, no matter who flatters you or who abuses, never look at another flag. never let a night pass but you pray God to bless that flag. Remember, boy, behind all these men you have to do with, behind offices and government and people even, there is the Country Herself, your Country, and that you belong to her as you belong to your own mother. Stand by her, boy, as you would stand by your mother."—*Edward Everett Hale, in "A Man Without a Country."*

SONG, "AMERICA."

My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing;
Land where my fathers died,
Land of the pilgrim's pride,
From every mountain side
Let freedom ring.

My native country, thee,
Land of the noble free,
Thy name I love;
I love thy rocks and rills,
Thy woods and templed hills;
My heart with rapture thrills
Like that above.

Let music swell the breeze,
And ring from all the trees
Sweet freedom's song:
Let mortal tongues awake;
Let all that breathe partake;
Let rocks their silence break,
The sound prolong.

Our fathers' God, to thee,
Author of liberty,
To thee we sing:
Long may our land be bright
With freedom's holy light;
Protect us by thy might,
Great God, our King.

Rights Denied the Colonists.—The constitution of the United States was adopted by the convention of the states Sept. 17, 1787. It was the outgrowth of the encroach-

ment by the mother country upon certain inalienable rights of men, designated in the Declaration of Independence as "life, liberty and the pursuit of happiness." To be more specific, the inalienable rights alleged to be violated were, according to an eminent authority (Cooley, Const. Law, p. 8), included in four main points, to wit:

"1. Imposing taxes without the consent of the people's representatives. 2. Keeping up standing armies in time of peace to overawe the people. 3. Denying a right to trial by a jury of the vicinage in some cases, and providing for a transportation of persons accused of crimes in America for trial in Great Britain. 4. Exposing the premises of the people to searches, and their persons, papers and property to seizures on general warrants."

All these rights were enjoyed by Englishmen, but were denied to Americans.

Articles of Confederation.—The articles of confederation were proposed by congress in September, 1776. They were ratified in 1778 by all but two states—Delaware and Maryland—the two latter giving their assent in 1779 and 1781, respectively, and in March, 1781, congress assembled under the confederation. War had been going on for several years and the common interest of the colonies had impelled them to act together in their common defense. It was believed, therefore, that the articles of confederation would tie more closely the mutual bonds of common interest and defense. The articles accomplished this end but imperfectly. They were simply designed to create a "firm league of friendship," and after being in force about six years, it was found advisable to form a constitution which would make the union of the states more complete and satisfactory.

Defects of the Articles of Confederation.—The defects of the articles of confederation were many. There was no provision for a national judiciary nor an executive head. It had no authority to compel obedience to laws, and many of the states would not tax their people for its support. They sometimes refused to pay their allotted shares of interest on the national debt. Congress had no power to regulate trade and make treaties. These and many other defects made the failure of the confederation inevitable. It was, in short, merely "a board of advice without governmental efficacy," and after

the states had secured their independence, the confederation was tottering on the threshold of dissolution. An early revision of the articles therefore became imperative, and a convention of the states was called by resolution of congress adopted in February, 1787, to meet in May, 1787, to accomplish this purpose.

Action of the Convention Revolutionary.—Regarding the procedure of the constitutional convention an eminent authority (Cooley, Const. Law, p. 15), says:

“The convention when it met, after full consideration, determined that alterations and amendments to the articles would be inadequate to the purposes of government, and proceeded to recommend a new constitution, and to provide that ‘the ratification of the conventions of nine states would be sufficient for the establishment of this constitution between the states so ratifying the same. As this was in disregard of the provision in the articles of confederation, which required the assent of every state, *it was a revolutionary proceeding*, and could be justified only by the circumstances which had brought the union to the brink of dissolution.”

Constitution Adopted.—The convention met behind closed doors upon May 25, 1787, and was in session until Sept. 17, 1787. Many of the more important propositions embodied in the constitution were adopted after a close vote, and the entire document was the result of many compromises. Probably no single member was satisfied with all the provisions, but nearly all felt that it was the best document which could be secured. Only three members refused to attach their signatures to it. James Madison was a member of the convention. He was a shorthand reporter and made copious notes of the proceedings. These notes were not published until nearly half a century later, and they now furnish to the student the only detailed account of the actions of the distinguished patriots composing the convention.

Government Inaugurated.—March 4, 1789, was the time fixed for the organization of the government, but it was not in fact inaugurated until April 30, 1789. North Carolina and Rhode Island did not become members of the union, however, until November, 1789, and May, 1790, respectively.

Superiority of the Constitution.—A careful reading of the articles of confederation and the constitution of the United States will disclose the wisdom of the latter

document and the weakness of the former. The preamble of the constitution expresses this idea, for it provides, "We, the people of the United States, in order to form a *more perfect union*," etc.

Bill of Rights; Federal and State Sovereignty; Rule of Construction.—The constitution contains no enumeration of fundamental rights, generally termed "bill of rights." The omission of this feature was made a ground of opposition to ratification on the part of several states, and the first eight amendments were subsequently adopted in deference to this sentiment. They are, in effect, a bill of rights. The purpose of these amendments and similar provisions in the constitution itself was to limit the power of the *federal* government, not of the *states*. This proposition should be kept clearly in mind in construing the constitution. The constitution, except as provided in section 9, Article I, does not enumerate the limitations upon the power of the national government regarding individual liberty. The federal government is one of enumerated powers, and, as provided in the tenth amendment, all "powers not delegated to the United States by the constitution nor prohibited by it to the states, are reserved to the states respectively or to the people." Therefore the restrictions or limitations in the constitution are to be construed as restrictions only upon the *federal* government, unless the word "state" is expressly used. When this rule of construction is kept clearly in mind, it will not be difficult to see where federal sovereignty ceases and state sovereignty begins. "When a particular power is found to belong to the states, they are entitled to the same complete independence in its exercise as is the national government in wielding its own authority. *Each within its sphere has sovereign powers.*" (Cooley, Const. Law, p. 35.)

SUGGESTIVE QUESTIONS.

1. When was the constitution of the United States adopted?
2. What were four main points of difference between the colonies and the mother country?
3. When were the articles of confederation proposed and ratified?
4. What is said about the defects of the articles of confederation?
5. What is said about the powers of the constitutional convention?
6. What is said about the bill of rights?
7. What is the rule of construction in regard to federal and state rights?

CHAPTER XV.

THE NATION (CONTINUED).

Form of Government; Constitution Supreme.—We have a republican form of government. It is so called because it is a government by representatives of the people. Each state has a republican form of government. The people of the union comprise the *national* or *federal government*. The *federal* government has certain enumerated powers and those which arise from necessary implication (to carry these powers into effect) only. The *states* have all other powers not prohibited to them by the federal constitution. As heretofore stated, each within its sphere has sovereign powers. It is, however, expressly provided in Article VI that

“This constitution and all laws of the United States which shall be made in pursuance thereof and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”

All Officers Must Take Oath.—It is further provided that senators and representatives, members of legislatures and all executive and judicial officers, national and state, shall take an oath to support the constitution of the United States.

Similarity of National and State Governments.—It will be seen, therefore, that we have two classes of government in the United States: federal and state. The federal government is divided into three branches: legislative, executive and judicial. Each state makes the same division. The head of the nation is the president. The chief executive of a state is the governor. The executive branch of the nation exercises its authority through the president and departments. The executive branch of a state exercises its authority through the governor and the heads of the several departments. There is a vice-president. The state has a lieutenant-governor. The

nation has a congress composed of a senate and house of representatives. The state has a legislature composed of senate and house. There is a national judiciary composed of a supreme court and inferior courts. The state has a judicial system, including a supreme court and inferior courts. The student will see at once, therefore, that the federal and state governments are very similar.

Legislative Department.

Congress; Members.—All legislative powers are vested in congress, consisting of a senate and house of representatives. The members of the house are elected every two years, while senators hold their office for six years, one-third of the latter being elected every two years. Representatives must be at least 25, and senators at least 30, years of age. Representatives and direct taxes are to be apportioned among the several states, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. "Other persons" referred to were slaves. This provision was amended in so far as it related to the representatives, by section 2 of the fourteenth amendment, which provided that *all* persons should be counted, except Indians not taxed. The fourteenth amendment was passed after the war. The number of representatives provided in the constitution was fixed at one for every 30,000, but this ratio has steadily increased until the ratio now is one for nearly 200,000. The number of representatives in the first house was 65. Now it is 391. The number of senators in the first senate was 26. Now it is 92. When vacancies occur in representation from a state, they shall be filled by writs of election issued by the governor. The manner of filling a vacancy in the office of representative is provided by law in each state. The presiding officer of the house is the speaker. The house has the sole power of impeachment and of originating bills of revenue. The manner of election of president and vice-president, in which the house participates, is referred to in another place. (See Executive Department.)

Senate; Election; Organization; Powers.—Under the constitution the first senators elected were divided into three classes, each class to serve for two years. Thereafter the term should be six years. The governor of a state appoints a person to fill any vacancy in the senate. A senator must have been nine years a citizen of the United States and an inhabitant of the state for which he shall be chosen. The presiding officer of the senate is the vice-president, but the latter has no vote unless the senate be equally divided. The senate shall choose its other officers, including a president *pro tempore*, who presides in the absence of the vice-president. The senate shall have the sole power to try all impeachments, and when sitting for that purpose the senators shall be under oath or affirmation. When the president of the United States is tried, the chief justice of the supreme court shall preside, and two-thirds of the members present must concur in order to convict. Judgment in cases of impeachment shall extend only to removal from office and disqualification to hold any other office, but the party convicted may also be subject to indictment and trial.

Senate Continued; When Congress Meets.—Each state regulates the time and manner of holding election for senators and representatives, except that senators must be elected by the legislature. Congress may, however, make or alter such regulations. Congress assembles once every year upon the first Monday in December. There is a long session and a short session every alternate year, the short session adjourning at noon on the fourth day of March, but the long session may continue for a year, or until the time for convening the next session.

Senate and House; Rules of Proceedings.—Each house is the judge of the election and qualification of its own members. No other power can interfere with the exercise of this power. A majority of each constitutes a quorum. Each house determines the rules of its proceedings, may punish members for misconduct and by a two-thirds vote may expel a member. Each house shall keep a journal of its proceedings, and the vote by yea

and nay, that is, the vote by individual members, may be entered on the journal upon request of one-fifth of those present. Neither house during the session of congress may, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses are sitting.

Members; Compensation, Privileged From Arrest.—The compensation of members is provided by act of congress. It is now fixed at \$7,500 per year. Each member is privileged from arrest while attending congress, except for treason, felony or breach of the peace, and may not be questioned in any other place for anything said in congress. No senator or representative shall during his term hold any civil office under the authority of the United States.

Passage of Bills.—All revenue bills must originate in the house. After passage there, they are sent to the senate. A bill, in order to become a law, must be passed by a majority vote of each house. It is then sent to the president and the latter may approve or disapprove it. If he disapproves the bill it is sent back to the house in which it originated, and if that house and the other house pass the bill by a two-thirds vote, it shall become a law. If any bill shall not be returned by the president to the house in which it originated within ten days it shall nevertheless become a law, unless congress, by its adjournment, prevents its return, in which case it shall not be a law.

Powers of Congress.—As heretofore stated, congress has only such powers as are expressly given it in the constitution, or arise by necessary implication. These express powers are as follows:

To provide for the national revenues.

To borrow and coin money, provide punishment for counterfeiting coins and fix the standard of weights and measures.

To regulate commerce.

To provide for naturalization of citizens and to provide a uniform law on bankruptcy.

To establish postoffices and post roads.

To provide for copyrights and patents for authors and inventors.

To constitute tribunals inferior to the supreme court and to regulate the jurisdiction of the federal courts.

To define and punish treason, piracies and felonies on the high seas and offenses against the law of nations.

To declare war, raise and support armies and navy, and make all necessary rules for the government of the land and naval forces.

To provide for calling forth the militia and for the organization of the state militia.

To exercise exclusive legislation over the seat of government and other places under the exclusive jurisdiction of the United States.

To provide for choosing electors for president and vice-president.

To prescribe the manner in which acts, records and proceedings of one state may be proved in another state.

To admit new states into the union.

To propose amendments to the constitution.

To make all laws necessary and proper for carrying into execution the foregoing powers.

To provide for the enforcement of the thirteenth, fourteenth and fifteenth amendments.

SUGGESTIVE QUESTIONS.

1. How are the legislative powers of government vested?
2. Of what does congress consist?
3. Give the qualifications, powers, term and duties of senators.
4. Give the qualifications, powers, term and duties of representatives?
5. What provision was first made relative to slaves?
6. What is the ratio of representation in the house?
7. What is the membership of the senate and house?
8. How are vacancies in the senate and house filled?
9. Who is the presiding officer of the senate? Of the house?
10. What house presents impeachments and which house tries them?
11. When the president is impeached how is he tried?
12. How are senators elected?
13. When does congress assemble?
14. What is the length of the long and short sessions?
15. What is said of the powers of each house?
16. What is the compensation of members?
17. Are members privileged from arrest?
18. What provision is made relative to revenue bills?
19. How may a bill become a law?
20. What are the express powers of congress?

Executive Department.

President and Vice-President.—The executive power of the national government is vested in the president,

who, together with the vice-president, holds office four years.

Election of President and Vice-President.—As a matter of fact, the people do not vote directly for president and vice-president, but they vote for electors, who in their turn vote for president and vice-president. Each state has the same number of electors as it has senators and congressmen. It frequently happens that the people cast more votes for certain candidates for president and vice-president, who, however, are not elected because the opposing candidates receive the majority of the electoral votes.

Manner of Election.—Article II is now superseded by the twelfth amendment. The constitution originally provided that the person receiving the highest number of votes should be president and the person receiving the next highest should be vice-president. This naturally resulted in the president and vice-president sometimes being of opposite political views. At present the electors cast their ballots for president and vice-president and send them sealed to the president of the senate, who, in the presence of both houses, opens them. The persons receiving the greatest number of electoral votes, if it be a majority, are declared president and vice-president. If no person receives a majority, the house of representatives elects the president and the senate elects the vice-president. Only once in the history of the nation has a dispute arisen over the proper procedure, and this occurred in the election of President Hayes in 1877. In that case a joint high commission was created to determine the disputed election returns from some of the states.

President and Vice-President; Qualifications; Succession to Presidency.—The president and vice-president must be native citizens of the United States, and at least 35 years of age. In case of death of the president or inability to act the vice-president shall become president or perform the duties of president. After the vice-president the order of succession to the presidency is as follows:

Secretary of state.
Secretary of the treasury.
Secretary of war.
Attorney-general.
Postmaster-general.
Secretary of the navy.
Secretary of the interior.
Secretary of agriculture.
Secretary of commerce and labor.

The President; Powers and Duties.—The president is commander-in-chief of the army and navy; has the power to grant reprieves and pardons for offenses against the United States except in cases of impeachment; has the power, by and with the advice and consent of the senate, to make treaties and to appoint ambassadors, judges of the United States courts, cabinet officers and all other appointive officers in the employ of the United States, unless their appointment is otherwise provided for by act of congress or the constitution. The president has power to convene both houses or either of them in extraordinary session; shall communicate to them from time to time on the state of the union (the custom has been to do this by written message at least once a year at the opening of congress); shall have power to fill vacancies in appointive positions; may adjourn congress in case of its disagreement; shall receive ambassadors and other public ministers; shall take care that all laws be faithfully executed; and shall commission all officers of the United States.

Executive Departments.—The business of the executive branch of the government is carried on through departments. The head officer of each department is a member of the cabinet. The cabinet, according to custom, meets at the White House twice a week, and all matters of public import are discussed at such meetings. The head of each department is responsible for the conduct of that department, and the president usually follows the advice of his cabinet in all his official actions. Each head of a department makes an annual report to

the president, setting forth the conduct and needs of his department. Congress has at different times in the history of the nation created these various departments and placed a cabinet officer at the head of each. At present they are as follows: State, War, Navy, Justice, Treasury, Interior, Postoffice, Agriculture, Commerce and Labor.

Heads of Departments.—The head of each department is designated “secretary,” as “secretary of state,” etc.; except the department of justice and the postoffice department, the heads of those departments being designated “attorney-general” and “postmaster-general” respectively.

Bureaus and Divisions.—Each department has a number of bureaus or divisions, and these may be found in the Addenda.

Intercourse With Foreign Nations.—The state department carries on the business of the government with the various states and with foreign nations. The president appoints an ambassador, minister or consul to each foreign country, and his duty is to look after American interests and report to the state department. The other departments have jurisdiction over the matters indicated by the various divisions and bureaus.

Impeachment.—The president, vice-president and all civil officers of the United States may be removed from office on impeachment for and conviction of treason, bribery and other high crimes and misdemeanors.

Salary of President and Vice-President.—The salary of the president is \$50,000, and that of the vice-president, \$12,000, per year.

SUGGESTIVE QUESTIONS.

1. In what officer is the executive power vested?
2. What is the term of the president and vice-president?
3. How are the president and vice-president elected?
4. What are the qualifications for president and vice-president?
5. What is the order of succession to the presidency?
6. What are the powers of the president?
7. What is the cabinet?
8. What is the duty of the head of a department?
9. Into what departments is the executive branch divided?

10. Enumerate the bureaus or divisions in each department:
 - (a) Department of state.
 - (b) Department of the treasury.
 - (c) Department of war.
 - (d) Department of justice.
 - (e) Postoffice department.
 - (f) Department of the navy.
 - (g) Department of the interior.
 - (h) Department of agriculture.
 - (i) Department of commerce and labor.
 - (j) Independent and miscellaneous.
11. What is said about ambassadors, ministers and consuls?
12. How may the president, vice-president and all civil officers be removed from office?
13. What is the salary of the president and vice-president?

Judicial Department.

Supreme, Circuit and District Courts.—The judicial power of the United States is vested in the supreme court and such other courts as may be created by congress. The number of supreme judges is now fixed by act of congress at nine. Each state has one or more federal district court districts. There are also nine circuit court districts or circuits. A judge of the supreme court is assigned to each circuit, and holds court therein once a year. There is a circuit court of appeals for each circuit.

Jurisdiction.—The United States courts have jurisdiction in all cases arising under the constitution, laws of the United States or treaties; affecting ambassadors and other public ministers and consuls; arising on the high seas or relating to admiralty; in all cases of controversy between different states; and in cases of diverse citizenship; that is, between citizens of different states. It will be seen, therefore, that unless a case comes within the provisions above mentioned, it is brought in the state courts and the state supreme court is the highest court in the state. But in all cases involving any of the questions within the provisions above mentioned, suit must be brought in the United States district or circuit court and may be appealed to the supreme court of the United States. Wherever a suit involving a federal question (and by that is meant any question relating to the constitution or laws of the United States) is brought an appeal may be taken from the state courts in like manner to the supreme court of the United States. The supreme, circuit and district judges hold office for life.

SUGGESTIVE QUESTIONS.

1. In what is the judicial power vested?
2. Describe the federal courts.
3. When may a suit be brought in the United States courts?
4. How long do federal judges hold office?

Bill of Rights.

Under this title it is intended to enumerate those rights guaranteed by the federal constitution to the individual citizen, with a reference to our own constitution where the latter instrument adds additional rights or restrictions.

We have already stated that the federal constitution contains no bill of rights. It does, however, limit in a few instances the power of congress over certain individual liberties, as follows:

Habeas Corpus.—Article 1, section 9, provides that “the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.” The writ of habeas corpus is a writ issued by a court to ascertain why an individual is restrained of his liberty. The foregoing provision prevents the suspension of this writ, except in cases of rebellion or invasion.

Bill of Attainder; Ex Post Facto Law.—It is further provided in the same section that no bill of attainder or *ex post facto* law shall be passed. Attainder is defined to be the “stain or corruption of the blood of a criminal capitally condemned; the immediate, inseparable consequence of the common law on the pronouncing of sentence of death.” An *ex post facto* law, briefly, is one that makes an action criminal which was not so at the time it was committed. Under our federal and state constitution no acts of this nature can be passed.

Trial by Jury; No Religious Test Required.—The constitution further provides that the trial of all crimes, except in cases of impeachment, shall be by jury; defines treason, and provides that no religious test shall be required as a qualification for office.

Aside from the features above mentioned, there is no enumeration of the rights of the individual citizen.

Enumeration of Rights of Individuals Contained in First Eight Amendments.—The enumeration of rights is contained in the first eight amendments to the federal constitution. These rights were all denied the colonies by the mother country and were moving causes of the revolution.

Rule of Construction.—The rule of construction heretofore mentioned should be kept in mind; that is, that these amendments are restrictions upon the power of congress and not upon the state. However, our state constitution contains practically the same provisions, which are likewise restrictions upon the power of the state legislature to pass laws relating to the subjects mentioned. We will refer to these amendments briefly:

First Amendment.—The constitution provides that no religious test shall be required as a qualification for office, but the first amendment goes further and provides that no law shall be passed respecting religion or prohibiting the free exercise thereof. It prohibits, further, the enactment of any law “abridging the freedom of speech or of the press or the right of the people peaceably to assemble.

The Second Amendment provides that “the right of the people to keep and bear arms shall not be infringed,” and permits a state militia.

The Third Amendment provides that no soldier shall be quartered in one’s house without the owner’s consent in time of peace and in time of war only as provided by law.

The Fourth Amendment provides that one’s person, house, papers and effects shall not be searched except where warrant has been issued, and this warrant must particularly describe the place to be searched, can only issue where there is reason to believe the law has been violated, and must be sworn to by some person.

The Fifth Amendment provides that no person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment of a grand

jury, except in the army or navy during war. In the latter case a person may be tried peremptorily by a court martial. Our state constitution differs from the foregoing provision in one important particular, which is contained in section 26. This permits the commencement of a prosecution by filing an information. This has been referred to in treating of the bill of rights of the state constitution.

The amendment further provides that no person shall be "subject for the same offense to be twice put in jeopardy of life or limb," which means that no person shall be tried for the same offense twice. It further provides that no person shall be compelled to be a witness against himself, "nor be deprived of life, liberty or property without due process of law" (that is, there must be some law authorizing his life, liberty or property to be taken or interfered with); "nor shall private property be taken for public use without just compensation" (which means that one's property, where it is desired for public purposes, must be condemned and the owner paid its reasonable value). Our state constitution, in section 33, regulates specifically the procedure in cases covered by the last clause. It also contains a requirement (section 36) that no person shall be excused from giving evidence against any other person or corporation on the ground that it may tend to incriminate him. This has already been referred to in treating the bill of rights of our state constitution.

The Sixth Amendment relates to the trial of one charged with crime. It guarantees a speedy trial by an impartial jury of the state or district where the crime was committed; that the accused be informed of the nature of the accusation; that if he is unable to secure witnesses by reason of being too poor or for other cause, the witnesses be compelled to appear in his behalf; and that he have the assistance of counsel in his defense. Under this amendment the vilest criminal is assured of an impartial trial and the assistance of able counsel to protect his legal rights. In accordance with this guar-

anty two of the ablest lawyers in New York were assigned by the court to defend the assassin Czolgoz.

The Seventh Amendment provides that in suits at common law (which includes any right accruing to a person for which he might have recompense or redress), where the value in controversy exceeds \$20, he may have a trial by a jury, and that where a fact once tried by a jury is to be re-examined the rules of the common law shall control. The common law is the law decided by the courts of England in the absence of statute from time immemorial.

The Eighth Amendment prohibits excessive bail, excessive fines and cruel and unusual punishment. What is excessive, cruel and unusual, is not defined. These penalties and punishments, therefore, unless provision is expressly made by act of congress (and even then it must not contravene the provision just mentioned) are left to the discretion of the judge, to be exercised according to the dictates of reason and humanity. This amendment was invoked in the recent case against the Standard Oil company, where that corporation was fined \$29,000,000, on the ground that the fine was excessive.

Amendments 9, 10, 13, 14, 15.

The Ninth and Tenth Amendments.—In order to make more clear the reservation of the people's rights, it is provided in these two amendments that the enumeration of certain rights shall not be construed to deny to the people other rights retained by them; and that the powers not delegated to the national government by the constitution, nor prohibited by it to the states, are reserved to the states or to the people. To put it conversely the people and the states have all rights and powers in addition to those enumerated in the constitution which are not delegated to the United States or prohibited to the states.

The Thirteenth Amendment abolishes slavery.

The Fourteenth Amendment provides that all persons born or naturalized in the United States or subject to

the jurisdiction thereof are citizens of the United States and of the state wherein they reside.

The Fifteenth Amendment provides that the right of citizens to vote shall not be denied or abridged on account of race, color or previous condition of servitude. This amendment was designed to give full and complete citizenship and suffrage to slaves and grew out of the conditions attending the Civil War. It is further provided that when the right to vote is denied or abridged the basis of representation in congress shall be reduced proportionately. This provision was intended to prevent discrimination against the negro voter.

SUGGESTIVE QUESTIONS.

1. What is said in the constitution about the rights of individuals?
2. What provision is contained relative to the writ of habeas corpus?
3. What is the writ of habeas corpus?
4. What provision is contained relative to bills of attainder and *ex post facto* laws?
5. What is a bill of attainder? What is an *ex post facto* law?
6. What provision is contained relative to trial by jury and qualification for office?
7. What are the first eight amendments to the constitution commonly called?
8. What is the rule of construction relative to the restrictions upon the powers of congress and of the states?
9. What does the first amendment provide?
10. What does the second amendment provide?
11. What does the third amendment provide?
12. What does the fourth amendment provide?
13. What does the fifth amendment provide?
14. What does the sixth amendment provide?
15. What does the seventh amendment provide?
16. What does the eighth amendment provide?
17. What do the ninth and tenth amendments provide?
18. What does the thirteenth amendment provide?
19. What does the fourteenth amendment provide?
20. What does the fifteenth amendment provide?

Powers Prohibited to the States.

As heretofore stated, the states and the people have all the powers not expressly or by necessary implication granted to the federal government, nor prohibited by the constitution to the states. The instances in which powers are expressly prohibited to the states are few, as follows:

"No state shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

"No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress." (Art. I, Sec. 10.)

No senator or representative may be elected an elector (Art. II, Sec. 1).

Slavery is abolished (thirteenth amendment).

No state shall make or enforce any law abridging the privileges or immunities of citizens of the United States, nor deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws (Amend. XIV, Sec. 1); nor shall any state, where a person held to service or labor in one state, escapes to another state, pass any law discharging such person (Art. IV, Sec. 2).

No state shall assume to pay any debt incurred in aid of insurrection or rebellion against the United States, or any claim for the emancipation of any slave; but all such debts and claims shall be held illegal and void (14th Amend., Sec. 4).

The right of a citizen of the United States to vote shall not be denied or abridged on account of race, color or previous condition of servitude (15th Amend., Sec. 1).

SUGGESTIVE QUESTIONS.

1. What is said about the power of a state relative to treaties, coining money, bills of credit, bills of attainder, *ex post facto* laws, title of nobility?
2. What is said about imposts and duties laid by states?
3. May a senator or representative be an elector?
4. What is said about slavery?
5. What limitation is placed upon the states relative to
 - (a) Citizens of the United States?
 - (b) Life, liberty and property?
 - (c) Equal protection of the laws?
 - (d) Debts incurred in insurrection?
 - (e) Right to vote?

Powers Prohibited to the United States.

We have already enumerated the powers which are expressly given to congress. To make more clear, however, the denial of powers to the national government, the latter is expressly prohibited in the following cases (Art. II, Sec. 9):

The importation of slaves is prohibited after the year 1808.

The provisions relating to the writ of habeas corpus, *ex post facto* laws, and bills of attainder, have already been referred to in the chapter on bill of rights.

No direct tax shall be laid except as provided in section 2 of Article I.

No tax or duty shall be laid on articles exported from any state, and no preference shall be given to the ports of one state over another.

Appropriation by congress must be specifically made for all money drawn from the treasury, and a statement of receipts and expenditures published from time to time.

No title of nobility shall be granted.

The United States shall not assume to pay any debt incurred in aid of insurrection or rebellion, or any claim for the emancipation of any slave; but all such debts and claims shall be held illegal and void (14th Amend., Sec. 4).

No religious test shall ever be required as a qualification to any office or public trust under the United States.

SUGGESTIVE QUESTIONS.

1. After what year was the importation of slaves prohibited?
2. Under what circumstances may a direct tax be laid?
3. What is said about articles exported from a state and the ports of the different states?
4. How may money be drawn from the treasury?
5. May the United States grant a title of nobility?
6. What provision is made relative to emancipation of slaves and debts incurred in insurrection?
7. What provision is made relative to religious test?

Miscellaneous Provisions.

Under this head it is intended to include all the provisions of the federal constitution not treated in other chapters. The following provisions are contained in Article IV:

Each state shall give full faith and credit to the laws and proceedings of every other state.

Citizens of each state are entitled to the privileges and immunities of citizens in the several states.

The United States guarantees to every state a republican form of government and shall protect each of them in case of invasion and on application of the legislature or governor of any state against domestic violence.

The following provisions are contained in Article VI:

All debts contracted prior to the adoption of the constitution are made valid.

The constitution and all laws and treaties made in pursuance thereof shall be the supreme law of the land, anything in the constitution or laws of any state to the contrary notwithstanding.

All officers are required to take an oath to support the constitution.

The ratification of nine states is declared to be sufficient for the establishment of the constitution in the states so ratifying the same (Art. VII).

No state shall without its consent be deprived of its equal suffrage in the senate (Art. V).

SUGGESTIVE QUESTIONS.

1. What is the "full faith and credit" clause of the constitution?
2. What are the privileges and immunities of citizens of the several states?
3. What form of government is guaranteed to each state?
4. When may the United States interfere in the domestic affairs of a state?
5. What is said about debts contracted prior to the adoption of the constitution?
6. What is the supreme law of the land?
7. What must all officers do before entering upon their duties?
8. How many states were necessary to ratification of the constitution?
9. Under what circumstances may a state be deprived of its representation in the senate?

Amendment of the Constitution.

The federal constitution may be amended in two ways; namely, by congress and by the people direct. It may be amended by congress upon vote of two-thirds of both houses, when ratified by the legislatures of three-fourths of the states, or by conventions in three-fourths thereof. It may also be amended upon application of the legislatures of two-thirds of the several states, in which event congress shall call a convention, the action of the convention to be ratified by the people as above provided (Art. V).

SUGGESTIVE QUESTION.

1. How may the constitution be amended?

The Territories.

We have three territories: Arizona, New Mexico and Alaska. The first two are organized territories and their government is similar to the old territorial government of Oklahoma. Alaska is an unorganized territory. It has no legislature. Congress enacts all laws and its

administrative and judicial officers are a governor, surveyor-general, attorneys, judges and others, appointed by the president. The judges appoint commissioners, who act as justices of the peace, recorders, probate judges and perform additional duties.

District of Columbia.

The tract of land included in the District of Columbia was ceded to the United States by virtue of Article I, section 8, of the federal constitution.

Congress exercises exclusive jurisdiction over the District of Columbia and legislates in all matters for it. From 1871 to 1874 the district was upon a territorial basis and had a governor.. Since the latter year it has been governed by commissioners appointed by the president. The president also appoints the judges of the supreme court and other judicial officers, while the commissioners appoint the subordinate municipal officers.

SUGGESTIVE QUESTIONS.

1. What territories have we?
2. What form of government has Arizona and New Mexico?
3. What kind of government has Alaska?
4. How did we come into possession of the District of Columbia?
5. How is the District of Columbia governed?

CHAPTER XVI.

OUR INSULAR POSSESSIONS.

Enlarge the place of thy tent, and let them stretch forth the curtains of thine habitations: spare not, lengthen thy cords, and strengthen thy stakes.—*Isaiah LIV, ii.*

No study of civil government in this country would be complete without a brief investigation of the systems of government in our insular possessions. As a result of the war with Spain we came into possession of the Philippines, Cuba, Porto Rico and Guam. These islands were ceded to us by the treaty of Paris Dec. 10, 1898. Hawaii was subsequently annexed. Cuba has since been given independence. Still more recently we have come into possession of what is known as the "Canal Zone," and we are building the Panama Canal. Excepting Cuba (over which we exercise what might be termed a protectorate), we maintain in each of these a different system of government, all under the supervision of the bureau of insular affairs in the war department at Washington. We will examine them briefly:

Hawaii.

When Annexed.—Hawaii came into our possession by virtue of the joint resolution of congress of July 7, 1898, and upon April 30, 1900, the constitution of the United States was extended over it and territorial government provided. Upon the 12th of August the formal transfer took place and the American flag was raised over the government house.

Departments of Government.—Hawaii has a legislature consisting of a senate with fifteen members and house of representatives, with thirty members. The senators hold office four years and the members of the house are elected every general election. The executive officers are: a governor, secretary, attorney-general, treasurer, commissioner of public lands, commissioner of

agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor and high sheriff. The governor and secretary are appointed by the president and the governor appoints the other officers, as well as a board of prison inspectors, board of registration and inspectors of election. The judicial department is vested in a chief justice and two associate justices and circuit judges who hold office for four years. The above officers must be citizens of Hawaii. There is also a United States district court and the president appoints a judge, attorney and marshal of said court. Hawaii has a delegate in congress.

The Philippines.

Form of Government; When Established; Judiciary.

—The present government of the Philippines was established by the order of April 7, 1900, creating the Philippine commission and defining its powers; that of June 11, 1900, creating a judiciary; that of June 21, 1901, creating the offices of governor and vice-governor; the act of the Philippine commission of Sept. 6, 1901, organizing the departments of the interior, commerce and police, finances and justice, and public instruction; and the act of July 1, 1902, which continued the government theretofore established. The judiciary consists of a supreme court, consisting of seven justices, four American and three native; and sixteen courts of first instance over which natives preside. The court proceedings are in either English or Spanish. There are also municipal courts. Manila has a government similar to that of the District of Columbia. Appeals may be taken in certain instances to the supreme court of the United States.

Legislative and Executive Departments.—There is an assembly consisting of two chambers. The Philippine commission constitutes the upper chamber, while the lower house consists of from fifty to 100 delegates elected biennially by the people, each province being entitled to at least one member. The legislature meets annually. The executive department is vested in a governor, vice-governor, the Philippine commission consisting of

eight members, of which three are natives, and other heads of departments. These officials, as well as the justices of the supreme court, are appointed by the president of the United States. The substance of the bill of rights of the federal constitution, with the exception of the right to maintain a militia and the right of trial by jury, are in force in the Philippines, and congress reserves the right to annul any law passed by the legislature.

Annual Reports; Resident Commissioners.—The Philippine commission makes annual reports of receipts and expenditures to the secretary of war. Two resident commissioners to the United States are elected biennially.

Porto Rico.

Form of Government; Legislative and Executive Departments.—After the cession of Porto Rico to the United States the island was governed chiefly by a military authority under the supervision of the president of the United States until May 1, 1900, at which time the system of government prepared by congress went into effect. This provides for a governor, secretary, treasurer, commissioner of the interior, auditor, commissioner of education and attorney-general, to be appointed by the president. These officers, with the exception of the governor, together with five others appointed by the president, constitute the executive council or upper house of the legislature. Five members of the council must be natives. The lower house, consisting of thirty-five members, is called the house of delegates. They are elected by the people biennially.

Judicial Department.—The judicial department is vested in a supreme court appointed by the president and district courts appointed by the governor. Other courts are chosen as directed by the legislative assembly. There is also a United States district court, with a judge, attorney and marshal appointed by the president. There is an insular police force of 670 men.

Resident Commissioner.—Porto Rico has a resident commissioner at Washington.

Samoa Islands.

The United States owns only a part of the Samoa Islands; namely, the Tutuila and the Manua group. The American possessions are in charge of a naval governor.

Guam.

This island was captured by the United States cruiser *Charleston* in 1898. It is under the command of a naval governor.

“The Canal Zone.”

By virtue of the treaty entered into between the United States and Panama Feb. 26, 1904, congress upon April 28, 1904, authorized the president to take possession of the surveyed route of the canal to the distance of five miles on each side thereof, together with any islands necessary in the construction of the canal. The “Canal Zone” government is under the control of the Isthmian commission, a governor and other executive officers, appointed by the president.

SUGGESTIVE QUESTIONS.

1. What countries and district comprise our insular possessions?
2. What islands were ceded to us by the treaty of Paris?
3. What relation do we bear toward Cuba?
4. What department has supervision over our insular possessions?
5. When did we come into possession of Hawaii and when was it annexed?
6. Describe the form of government in Hawaii.
7. What officers are appointed by the president?
8. Has Hawaii a representative in congress?
9. When was the present government in the Philippines established?
10. Describe the judicial system in the Philippines.
11. Describe the legislative and executive departments in the Philippines.
12. What portions of the federal constitution are in force in the Philippines?
13. How are the Philippines represented in the United States?
14. When was the system of government in Porto Rico inaugurated?
15. What officers are appointed by the president?
16. Describe the legislative system.
17. Describe the judicial system.
18. How is Porto Rico represented in the United States?
19. What islands in the Samoan group do we own and how are they governed?
20. When was Guam captured and how is it governed?
21. What is the “Canal Zone,” and how is it governed?

ADDENDA.

UNITED STATES OFFICIALS AND THEIR SALARIES.

President	\$50,000
Vice-president	12,000

Cabinet Officials.

Secretary of state, secretary of the treasury, secretary of war, attorney-general, postmaster-general, secretary of the navy, secretary of the interior, secretary of agriculture, secretary of commerce and labor, each	\$12,000
--	----------

Judiciary.

Chief justice of the supreme court of the United States.....	\$13,000
Associate justices	12,500
Judges of the circuit court of the United States.....	7,000
Chief justice of the United States court of claims.....	6,500
Justices of the United States court of claims.....	6,000
Judges of the district courts of the United States.....	6,000

Congressional.

Senators	\$ 7,500
Representatives	7,500
Speaker of the house.....	12,000

STATE OFFICIALS AND THEIR SALARIES.

Governor	\$4,500
Lieutenant-governor	1,000
Secretary of state.....	2,500
Attorney-general	4,000
State treasurer	3,000
State auditor	2,500
State examiner and inspector.....	3,000
Chief mine inspector.....	3,000
Labor commissioner	2,000
Commissioner of charities and corrections.....	1,500
Corporation commissioners	4,000
Superintendent of public instruction.....	2,500
Insurance commissioner	2,500
Justice of the supreme court.....	4,000
Judges of the district court.....	3,000
Members board of agriculture.....	_____
Bank commissioner	_____
Clerk supreme court.....	_____
Senators and representatives, \$6 per diem for first sixty days and \$2 per diem for their services thereafter.	

BUREAUS AND DIVISIONS OF EXECUTIVE DEPARTMENTS.

Department of State.

United States and Mexican water boundary commission.

Department of the Treasury.

Supervising Architect.

Bureau of Engraving and Printing.

Secret Service Division.

Life-Saving Service.

Comptroller of the Treasury.

Register of the Treasury.

Auditor for the Treasury Department.

Auditor for the War Department.

Auditor for the Interior Department.

Auditor for the Navy Department.

Auditor for the State and other departments.

Auditor for the Postoffice Department.

Treasurer of the United States.

National Bank Redemption Agency.

Comptroller of the Currency.

Commissioner of Internal Revenue.
Director of the Mint.
Bureau of Public Health and Marine Hospital Service.
Revenue-Cutter Service.
Custom House.

Department of War.

General Staff.
Office of the Adjutant-General.
Office of the Inspector-General.
Office of the Judge-Advocate-General.
Office of the Quartermaster-General.
Depot Office.
Office of the Commissary-General.
Office of the Surgeon-General.
Army Medical Museum and Library.
Office of Attending Surgeon.
Office of the Paymaster-General.
Office of Post Paymaster.
Office of the Chief of Engineers.
Office of the Chief of Ordnance.
Office of the Chief Signal Officer.
Office of the Chief of Artillery.
Bureau of Insular Affairs.
Office of Public Buildings and Grounds and Washington Monument.
Office of Washington Aqueduct.
Board of Ordnance and Fortification.

Department of Justice.

Solicitor-General.
Assistant to the Attorney-General.
Assistant Attorneys-General.
Assistant Attorney-General for Interior Department.
Solicitor for the Department of State.
Solicitor of the Department of Commerce and Labor.
Solicitor of Internal Revenue.
Assistant Attorneys.
Special Attorneys.
Special Assistant Attorneys.
Law Clerk and Examiner of Titles.
Superintendent of Prisons and Prisoners.
Attorney in Charge of Pardons.
Chief Examiner.
Office of the Solicitor of the Treasury.
Spanish Treaty Claims Commission.

Postoffice Department.

Office of the First Assistant Postmaster-General.
Office of the Second Assistant Postmaster-General.
Office of the Third Assistant Postmaster-General.
Office of the Fourth Assistant Postmaster-General.

Department of the Navy.

Office of the Admiral of the Navy.
Bureau of Yards and Docks.
Bureau of Equipment.
Hydrographic Office.
Naval Observatory.
Bureau of Navigation.
Office of Naval Intelligence.
Bureau of Ordnance.
Bureau of Construction and Repair.
Bureau of Steam Engineering.
Bureau of Supplies and Accounts.
Bureau of Medicine and Surgery.
Office of the Judge-Advocate-General.
Navy Yard and Station, Washington, D. C.
Navy Pay Office.
Naval Hospital.
Naval Medical School.
Naval Medical School Hospital.
Naval Dispensary.
General Board.
Board of Inspection and Survey.
Naval Examining Board.
Naval Retiring Board.
Board of Medical Examiners.

Headquarters Marine Corps.
Marine Barracks.

Department of the Interior.

General Land Office.
Patent Office.
Bureau of Pensions.
Pension Agency.
Office of Indian Affairs.
Bureau of Education.
Office of the Geological Survey.
Reclamation Service.

Department of Agriculture.

Weather Bureau.
Bureau of Animal Industry.
Bureau of Plant Industry.
Forest Service.
Bureau of Chemistry.
Bureau of Soils.
Bureau of Statistics.
Bureau of Entomology.
Bureau of Biological Survey.
Office of Experiment Stations.
Division of Accounts and Disbursements.
Division of Publications.
Library.
Office of Public Roads.

Department of Commerce and Labor.

Bureau of Corporations.
Bureau of Manufactures.
Bureau of Labor.
Light-House Board.
Bureau of the Census.
Coast and Geodetic Survey.
Bureau of Statistics.
Steamboat Inspection Service.
Bureau of Fisheries.
Bureau of Navigation.
Bureau of Immigration and Naturalization.
Bureau of Standards.

Independent and Miscellaneous.

Smithsonian Institution:
National Museum.
Bureau of American Ethnology.
International Exchanges.
National Zoological Park.
Astrophysical Observatory.
Regional Bureau for the United States, International Catalogue of
Scientific Literature.
International Bureau of the American Republics.
Interstate Commerce Commission.
Civil Service Commission.
Government Printing Office.
United States Geographic Board.
National Botanic Garden.
National Home for Disabled Volunteer Soldiers.
Soldiers' Home.
Isthmian Canal Commission.
Commission to the Philippine Islands.
International Waterways Commission.
American National Red Cross.
Columbia Institution for the Deaf and Dumb.
Government Hospital for the Insane.
Howard University.
Washington City Postoffice.

(Note.—The number of each question refers to the section number of the constitution and enabling act.)

ARTICLE I.

Federal Relations.

1. What does the preamble provide?
2. What is the supreme law of the land?
(See also section 495, "Resolution Adopting Constitution of the United States.")
3. What provision is made relative to religious sentiment?
(This provision was adopted in conformity to section 3, subdivision first, of the enabling act. Section 506.)
4. In whom is the title to unappropriated public lands?
5. What provision is made relative to taxation of residents and non-residents?
(This provision and the one preceding were adopted in conformity to section 3, subdivision third, of the enabling act. Section 508.)
(a) Is property of the United States taxable?
6. Who assumes the debts of the territory of Oklahoma?
(This provision was adopted in conformity to section 3, subdivision fourth, of the enabling act. Section 509.)
7. What provision is made relative to public schools?
(This provision was adopted in conformity to section 3, subdivision fifth, of the enabling act. Section 510.)
(a) The teaching of languages?
(b) Separate schools?
8. What restriction is placed on the state with reference to the right of suffrage?
(This provision was adopted in conformity to section 3, subdivision sixth, of the enabling act. Section 511.)
9. What provision is made relative to the introduction and sale of liquor?
(a) What penalty is provided?
(b) How may sales of liquor be made legally?
(c) What is the penalty for making a false affidavit?
(d) What punishment is provided for a physician or other person connected with the agency?
(This provision was adopted in conformity to section 3, subdivision second, of the enabling act. Section 507.)

ARTICLE II.

Bill of Rights.

10. In whom is all political power inherent, and why is government instituted?
11. What are the inherent rights of persons?
12. Describe the right of peaceable assembly and petition?
13. May any power interfere with the exercise of the right of suffrage?
14. What restriction is placed upon the appropriation of public money?
15. Describe the right of remedy and redress.
16. How may one be deprived of life, liberty or property?
17. What offenses are bailable?
(a) When may capital offenses be bailable?
18. What provision is made relative to excessive bail, fines and punishments?
19. What provision is made relative to habeas corpus?
20. What is required of officers of the state?
21. What restriction is placed upon the right to hold office?
22. May a person be imprisoned for debt?
23. Which power is subordinate: civil or military?
(a) Under what circumstances may a soldier be quartered in a house?
24. What provision is made relative to *ex post facto* laws, bills of attainder and laws impairing the obligation of contracts?
25. Define treason.
(a) How may one be convicted of treason?
26. How may a prosecution be instituted?
(a) In courts of record?
(b) Right to preliminary examination?
(c) In courts not of record?
27. How many persons compose a grand jury?
(a) How may it be convened?
(b) What are its powers?
28. Of what number does a jury consist in courts of record other than county courts?
(a) Of what number in county courts and courts not of record?
(b) What number may render a verdict in civil and misdemeanor cases?
(c) Under what circumstances must a verdict be in writing?
29. What rights have the accused in criminal prosecutions?

II

30. What is jeopardy?
31. Describe the right of free speech.
32. May private property be taken for private use?
(a) Under what circumstances may it be taken?
(See also in this connection section 322—article XVI, section 3—providing for a system of levees, drains and ditches, and irrigation.)
33. May private property be taken for public use?
(a) Under what circumstances may it be taken?
34. When may a party have a jury trial in contempt cases?
(a) Must he be given an opportunity to be heard?
35. Describe the right to bear arms.
36. May a person be compelled to give evidence against himself?
37. What provision is made relative to the inspection of records of corporations?
(See also sections 223-241.)
38. May a person be transported out of the state without his consent?
39. Under what circumstances may one's home be searched?
40. What business may the state engage in?
41. What is said about perpetuities and monopolies?
42. What provision is contained relative to the enumeration of rights?

ARTICLE III.

Suffrage.

43. Who are qualified electors?
(a) Who may not vote?
44. What is said about the right of members of the army or navy to vote?
45. At what elections may female citizens vote?
(For the further rights of females specifically provided in the constitution, see section 455.)
46. What is said about election of United States senators by the people?
47. What is said about a mandatory primary?
48. How do the people vote?
49. What limitations are placed upon the civil and military power relative to the right of suffrage?

ARTICLE IV.

Distribution of Powers.

50. Into what departments is the state divided?

ARTICLE V.

Legislative Department.

51. In what is the legislature authority of the state vested?
(a) What rights are reserved to the people under this section?
52. What is the first power reserved to the people?
(a) How may this right be exercised?
(b) What is the second power reserved to the people?
(c) How may this right be exercised?
53. When and how shall referendum petitions be filed?
(a) To what does the veto power of the governor not extend?
(b) When are elections to be held under this section?
(c) When do measures passed upon by the initiative and referendum take effect?
54. What shall the style of all bills be?
55. How are petitions for the initiative and referendum to be filed?
56. May the referendum be demanded against one or more items, and if so, how?
57. How are the powers of the initiative and referendum further reserved?
58. How is the exercise of the powers of the initiative and referendum prescribed?
59. How many petitions are required for the initiative and referendum in counties and districts?
60. After a measure is rejected by the people, how and when may it be again proposed?
61. Describe the power of the legislature relative to the initiative and referendum.
62. How is corruption in the initiative and referendum to be prevented?
63. Of what number does the senate consist?
(a) What is the term of office of senators?
64. Into how many senatorial districts shall the state be divided after 1910?
65. What are the limitations in the making of senatorial districts?
66. Of what number does the house consist?
(a) What is the term of office of members?
67. When shall the first legislature meet?
68. When shall the legislative apportionment be made?
69. How shall the representation in the house be ascertained?

75. How shall the legislative apportionment be made?
76. How may the legislative apportionment be reviewed?
77. Into how many senatorial districts is the state divided?
(This number shall be changed, however, after 1910. See section 64.)
79. What counties elect two representatives?
80. How many representatives does Garfield county elect?
(a) How many representatives does Greer county elect?
82. How many representatives does Lincoln county elect?
83. What counties elect three representatives?
84. How many representatives has Oklahoma county?
85. What pairs of counties elect an additional representative?
86. What trio of counties elect one representative?
87. What are the qualifications of senators and representatives?
88. Who are ineligible to serve as members of the legislature?
89. Under what circumstances may a member be ineligible?
(a) If one is punished for contempt or disorderly conduct before the legislature, may he be reindicted for the same offense?
90. How are vacancies in the legislature filled?
91. What is the compensation of members of the legislature?
(a) May they receive any other compensation?
(b) Under what circumstances do members receive two dollars per day?
92. Are members of the legislature privileged from arrest?
(a) If they are, under what circumstances?
(b) What are the limitations of members in the matter of speech?
93. What are the disqualifications of members to hold any other office?
(a) What provision is made relative to the interest of members in contracts?
94. What is said about members voting on bills in which they are interested?
95. What is the length of the first session of the legislature?
96. When shall the legislature meet?
97. What provision is made relative to regular and special sessions?
98. How is the senate organized at the beginning of each session?
(a) What provision is made for standing committees of the senate?
99. How is the house organized at the beginning of each session?
100. Who is judge of election returns and qualifications of members?
(a) How many members constitute a quorum?
(b) How may the attendance of absent members be secured?
101. What is said about rules and punishment of members?
102. How are the proceedings of each house kept?
(a) Under what circumstances shall the yeas and nays be entered?
103. What limitation is placed upon adjournment?
104. In all elections by the legislature, how shall the vote be taken?
(a) What exception is contained in this provision?
105. Under what conditions may a special or local law be passed?
106. In what house must revenue bills originate?
(a) How may amendments be proposed?
(b) When may they not be passed?
107. How many times shall bills be read?
(a) When must bills be read at length?
(b) How many members must vote upon passage of bills?
(c) When shall the question upon final passage be taken?
(d) Must the yeas and nays be entered on final passage?
108. What special duty is imposed upon the presiding officer of each house?
(a) May the reading at length of bills be dispensed with? If so, how?
109. To what subjects shall the authority of the legislature extend?
(a) What is said about specific grants of authority in the constitution?
110. What is provided relative to a state printing plant?
111. What is said about a state geological and economic survey?
112. What additional boards may be created by the legislature?
(a) What provision is made relative to physicians, dentists and pharmacists?
(See also section 463 relative to dentists.)
113. What provision is made for the state militia?
114. What provision is made relative to firemen?
115. What provision is made relative to contempt before the legislature?
116. What provision is made relative to the revision of the statutes?
117. What power is conferred upon the legislature relative to monopolies?
118. What power is conferred relative to enforcing the constitution?
119. Enumerate the limitations upon the power of the legislature to pass local or special laws.
(a) How many limitations are there under this section?
120. What limitation upon the power of the legislature is made relative to retiring officers?
121. What provision is made relative to a bureau of immigration?
122. What provision is made relative to employes of the legislature?

IV

123. What is said about exempting property from taxation?
124. May the legislature grant exclusive rights or privileges?
125. What provision is made relative to reviving or taking away rights or remedies?
126. What limitation is there relative to indebtedness owing to state or county?
127. What is the effect of the repeal of a statute?
128. Under what conditions may money be paid out of the state treasury?
 - (a) When must such payments be made?
 - (b) What must the appropriation bill specify?
129. What shall the general appropriation bill embrace?
 - (a) May the salary of an officer or employe be provided for in such bill? If so, under what circumstances?
 - (b) How must other appropriations be made?
130. How many subjects may an act embrace?
 - (a) Are there exceptions to this provision? If so, what are they?
 - (b) How may laws be revived or amended?
 - (c) To what extent is an act void under this section?
131. When do acts take effect?
 - (a) What exceptions are made in this section?
 - (b) How may emergency measures be passed, and what shall they include?
 - (c) May emergency measures be vetoed, and if they are, what action may be taken thereon?
132. What operation have general laws?
133. What provision is made relative to a system of checks and balances?

ARTICLE VI.

Executive Department.

134. What officers constitute the executive authority of the state?
 - (a) Where shall they keep their office, and what duties do they perform?
135. Who is the supreme executive power and what is his title?
137. What are the qualifications of the state executive officials?
 - (a) What officers are not eligible immediately to succeed themselves?
 - (b) When does the term of office begin and expire under this section?
138. How are the returns of state elections canvassed?
 - (a) What provision is made where two or more persons have an equal number of votes?
139. Who is the commander-in-chief of the militia, and when may he call out the same?
140. What is the power of the governor relative to special sessions of the legislature?
 - (a) What subjects may be acted on at special sessions?
141. Whose duty is it to cause all laws to be executed?
 - (a) How is the business of the state with other states and with the United States conducted?
142. What is the governor's duty upon organization of the legislature?
143. What powers relating to pardon has the governor?
144. How may a bill become a law?
 - (a) May bills be vetoed, and if so, how?
 - (b) May bills be passed over the governor's veto, and if so, how?
(See in connection with this provision section 53 relative to the veto power of the governor upon questions voted on by the people.)
 - (c) How may bills become laws after final adjournment?
145. What is the power of the governor relative to appropriation bills?
146. What is the power of the governor relative to the appointment of officers not otherwise commissioned?
 - (a) How are vacancies in office to be filled?
147. What is the power of the governor when the two houses disagree as to adjournment?
 - (a) Under what circumstances may the legislature be adjourned to another place?
148. What are the qualifications and duty of the lieutenant-governor?
 - (a) Under what circumstances may the president *pro tem.* of the senate become governor?
 - (b) Under what circumstances may the speaker become governor?
149. Under what circumstances may the lieutenant-governor become governor?
150. What are the duties of the secretary of state?
151. Who is the custodian of the state seal?
 - (a) How are the final acts of the governor authenticated?
 - (b) What exception is contained in this section?
 - (c) What is the seal of the state called?
152. What are the qualifications and duties of state examiner and inspector?
153. What are the qualifications and duties of commissioner of labor?
154. What provision is made relative to a board of arbitration?

155. 156. 157. What are the duties, term and qualifications of insurance commissioner?
158. What are the duties, term and qualifications of chief mine inspector?
159. What provision is made relative to mining districts and assistant inspectors?
160. What are the qualifications and term of commissioner of charities and corrections?
161. What additional powers has the commissioner of charities and corrections?
162. When does the commissioner of charities and corrections make report?
163. What power is conferred upon the legislature relative to said commissioner?
164. Of what number does the board of agriculture consist, and what are its duties and jurisdiction?
165. What officers constitute the commissioners of the land office? and what is the jurisdiction of said commissioners?
166. How often do state officers make report, and to whom?
(a) What is said about a state officer making a false report?
167. What is provided relative to the compensation of officers in this article named?
(a) What is provided relative to fees and perquisites?
(See in this connection sections 464, 465, 466, providing for compensation of state officials.)
168. Describe the great seal of the state of Oklahoma.

ARTICLE VII.

Judicial Department.

169. In what courts is the judicial power of the state vested?
170. What is the jurisdiction of the supreme court?
171. Of how many justices does the supreme court consist?
(a) How are the justices nominated and elected?
(b) What number constitutes a quorum and how many may decide a question?
(c) What are the qualifications of members of the court?
172. What is the term of office of supreme justices?
173. When does their term commence?
174. Where shall sessions of the supreme court be held, and when shall opinions be rendered?
175. What provision is made for the organization of the supreme court at its first session?
(a) After the first election how are justices of the supreme court elected?
176. What are the qualifications, term and duty of clerk of the supreme court?
177. What is the jurisdiction of supreme court under the constitution?
178. Into how many judicial districts is the state divided?
(a) What are the qualifications and term of office of a district judge?
(b) When shall terms of the district court be held?
179. Under what circumstances may a temporary judge be selected?
(a) What provision is made for an additional district judge in a district?
180. What is the jurisdiction of the district court?
181. What court is established in each county?
(a) What is the term of the county judge and what are his qualifications?
182. What is the original jurisdiction of the county court?
183. What is the appellate jurisdiction of the county court?
(a) What is the jurisdiction of the county court over misdemeanors?
(b) In the absence of the district judge what is the power of the county court?
184. When the county judge is disqualified how may a temporary judge be selected?
185. What is the probate jurisdiction of the county court?
(a) Where shall the county court be held?
186. What is the jurisdiction of the county court on appeal from justices?
187. In what cases, and how, are appeals taken from the county court to the supreme court?
188. How are appeals in probate matters taken from the county court?
189. What additional criminal jurisdiction have county courts?
190. What is the jurisdiction of justice of the peace?
(a) Have justices of the peace jurisdiction in libel and slander cases?
(b) How are appeals taken from justices of the peace?
(c) How many justices of the peace in towns of over 2,500 inhabitants?
191. Who are conservators of the peace throughout the state? (See also section 141.)
192. What is the style of all writs and process?
(a) How shall prosecutions be carried on?
(b) How shall indictments, informations and complaints conclude?
193. When may a trial by jury be waived?
194. What verdict shall be returned by a jury and what exception is made?

VI

195. Into how many supreme court districts is the state divided? (See also section 171.)
(a) Into how many district court districts is the state divided, and how numbered?
196. Describe the supreme court judicial districts.
197. Describe the district court judicial districts.
198. Where shall the district court be held?

ARTICLE VIII.

Impeachment and Removal From Office.

199. What officers are subject to impeachment? how and when may they be impeached?
200. What other officers may be removed, and how?
201. Who shall preside when the senate sits as a court of impeachment?
(a) How shall impeachments be presented?
202. How may a person be impeached by the senate?
203. How far may judgment by impeachment extend?
204. What additional power relative to impeachments is conferred upon the legislature?

ARTICLE IX.

Corporations.

- 205, 228. Define "corporation," "company," "charter," "license."
206. Define the right of public-service corporations to construct and operate lines.
207. What is the duty of companies relative to transporting cars and passengers?
208. How are oil pipe companies controlled and regulated?
209. What is the duty of telephone and telegraph lines relative to the transmission of messages?
210. What are railroads?
(a) Where shall public-service corporations maintain a public office?
(b) What shall be kept in said public office?
(c) How often shall meetings be held in the state?
(d) How often and in what manner shall corporations make reports?
211. What is the rolling stock considered for purposes of execution and sale?
212. What is said about consolidating with competing lines?
213. What is provided relative to consolidation of corporations?
214. Is the consent of local authorities necessary in building a street railroad?
215. How may public-service corporations have the benefit of future legislation?
216. What is provided relative to transporting articles manufactured by a corporation?
217. What is provided relative to free transportation?
218. What is said about railroads passing through county seats?
219. What body is created by this article, and what are the terms of members?
(a) How are vacancies filled?
220. What are the qualifications of members of corporation commission?
221. What is the oath of corporation commissioners?
222. What is the power of the commission relative to rates?
223. What is the power of the commission relative to books and papers?
(This right of inspection of the records of corporations is further reserved in the bill of rights, section 37, and in section 241.)
(a) What is the power of the commission with respect to discrimination and extortion?
224. What notice is required before the commission can make an order?
(a) What additional notice is required before an order can be effective?
225. What is said about the authority of the commission?
(a) What power is conferred upon municipalities relative to franchises under this section?
226. Under what circumstances may controversies be arbitrated?
227. How shall the commission organize?
(a) How many constitute a quorum and what number may render a decision?
229. What powers has the commission under this section?
(a) What additional powers may be conferred by law upon the commission?
230. What is the penalty for disobedience of an order of the commission, and when may it be inflicted?
231. May appeals be taken from the commission?
(a) If so, how may they be taken and to what court?
(b) May the action of the commission be controlled by any court?
232. Upon appeal, how may the judgment of the commission be superseded?
(a) What are corporations required to do pending appeal?
233. What is the status of appeals from the commission?
234. Upon what evidence is the case heard on appeal?

- (a) What certificate and additional statements does the commission file on appeal?
235. What may the supreme court consider on appeal from the commission?
236. What judgment may the supreme court enter on appeal?
237. Does the order of the commission take away the jurisdiction of the courts?
238. How often shall the commission make reports?
239. What is the duty of railroads relative to depots?
240. What provision is made relative to railroad crossings?
241. What provision is made relative to inspection of records of corporations?
(See also sections 37 and 223.)
242. What is the duty of the commission under this section?
243. What is provided relative to charges by transportation companies?
244. When may a public-service corporation have the right of eminent domain?
245. What is the duty of the commission relative to interstate commerce?
246. What is the duty of railroads relative to building switches?
247. What is the definition of "transportation company"?
(a) Of "rate," "charge" and "regulation"?
(b) Of "transmission company"?
(c) Of "freight"?
(d) Of "public-service corporation"?
(e) Of "person"?
(f) Of "bond"?
(g) Of "frank"?
248. How shall Article IX be interpreted?
249. What sections of the corporation article may be repealed, and at what time?
250. What is the fellow-servant doctrine, enunciated by this section?
251. What is the passenger fare provided for in this section?
252. How may private corporations be created and licensed?
253. Under what circumstances may a private corporation issue stock?
254. What is said about corporations contributing to elections?
255. What is said about corporations owning or controlling stock of other corporations?
256. Where a corporation acquires stock in another corporation, when must it be disposed of?
(a) What is said about banks and trust companies in this section?
257. What provision is made relative to arbitration in this section?
258. What is a prerequisite to a foreign corporation doing business in this state?
259. What restrictions are placed upon foreign corporations?
260. What is said in this section about monopolies and discrimination?
261. Under what circumstances are existing charters declared invalid?
262. What power is conferred upon the legislature with respect to existing corporations?
263. How are penalties and regulations under this article provided?

ARTICLE X.

Revenue and Taxation.

264. When does the fiscal year commence?
265. How is the annual tax provided, and what is it intended to defray?
266. What provision is made for deficiency in any year?
267. How shall the state debt be paid?
268. What is said about the power of taxation and the uniformity of taxes?
269. What property is exempt from taxation?
(a) What provision is made relative to ex-union and ex-confederate soldiers?
270. What is said about exemption of orphan homes?
271. What provision is made relative to taxation of manufacturing establishments?
272. How may assessments be made for local improvements?
273. How shall all property be assessed for taxation?
(a) What is the penalty if an officer wilfully fails to assess properly?
274. What is the maximum tax for all purposes in one year?
275. How is this tax divided?
276. For what purposes and to what extent may the rate of taxation be increased?
277. What is provided relative to an officer receiving perquisites?
278. What is provided relative to special taxes?
279. What is said about the selection of subjects of taxation?
280. How shall taxes be levied?
(a) What exceptions are made in this regard?
(b) What is section 31 of the bill of rights?
(c) What is the provision of the enabling act referred to. (See section 509.)
281. What provision is made relative to the credit of the state?

VIII

282. What shall laws authorizing the borrowing of money specify?
(a) For what purpose may the money be used?
283. What is said about a city or county becoming a stockholder in a corporation?
284. What provision is made relative to poll tax?
285. What must every tax law specify?
286. How may local taxes be assessed and collected, and what limitation is placed upon the legislature?
287. What is the state board of equalization and what are its duties?
288. What is provided relative to classification of property for taxation?
289. For what purposes may the state contract debts and what limitation is there?
290. For what additional purpose and under what circumstances may the state contract debts?
291. Except the purposes mentioned in the last two sections, under what circumstances may additional debts be contracted by the state?
292. What limitation is placed upon cities, counties, etc., relative to incurring debts?
(a) Under what circumstances may the debts mentioned in this section be incurred?
293. Under what circumstances may a city or town acquire public utilities?
294. For what purposes shall an additional revenue be levied, and how shall the fund created be used?
295. How may a bond or other evidence of indebtedness be validated?
296. How shall money collected by state or county be accounted for?

ARTICLE XI.

State and School Lands.

297. What pledge is made by the state relative to lands and donations granted to the state?
298. Of what shall the permanent school fund consist?
(a) What limitations are placed upon the state in regard to this fund?
299. What revenues are applied each year for the use and benefit of the common schools?
(a) How shall this revenue be apportioned?
300. What public lands may be sold by the state, and under what conditions may they be sold?
(For the limitations and regulations prescribed by the enabling act, see sections 521 and 523-529, inclusive.)
301. For what purposes and under what restrictions shall section 13 be used?
302. How shall the permanent common school and other educational funds be invested?
303. What is the power of the legislature in connection with the foregoing section?

ARTICLE XII.

Homestead and Exemptions.

304. Of what shall the homestead of a family in the country consist?
(a) Of what shall the homestead in a city, town or village consist?
(b) What valuation is placed upon it?
(c) What proviso is made for Indians?
(d) What is said about the renting of the homestead?
305. What is provided relative to a forced sale of the homestead?
(See also section 306.)
(a) What restriction is placed upon the owner if married?
(b) Under what conditions may the homestead be mortgaged and sold?
306. What statutes shall be inoperative after the adoption of the constitution?
(a) Under what circumstances is property not exempt?
(b) What is said about mortgaging personal exemptions?
307. What power is conferred upon the legislature relative to article XII?

ARTICLE XIII.

Education.

308. What provision is made relative to a system of public schools?
(See also section 7. This section and section 308 were adopted in conformity to section 510.)
309. What provision is made for the deaf, dumb and blind?
310. What provision is made for separate schools?
(a) Define "colored children," "white children." (See also in this connection section 445.)
311. What provision is made for attendance at school?

312. What body is created to supervise instruction in the public schools?
 (a) What officers constitute the board of education?
 (b) Who is president of the board?
313. What provision is made relative to text-books?
314. What is said about agriculture, horticulture, stock feeding and domestic science? (In this connection see sections 40 and 322.)

ARTICLE XIV.

Banks and Banking.

315. What department is created by this article, and what officer is at the head of it?
 (a) How is this officer appointed, for what term and what are his powers?
316. What is the legal rate of interest?
317. What is the penalty for receiving excessive interest?
 (a) What power has the legislature with respect to this section?

ARTICLE XV.

Oath of Office.

319. Repeat the oath of office.
 (a) Who shall administer said oath?
 (b) Where shall the oath of state officers and judges of the supreme court be filed?
 (c) Where shall the oath of other judicial and county officers be filed?
 (d) What is the penalty for refusing to take the oath, and for swearing falsely?
 (e) Where and how shall the oath of members of the senate and house be administered?

ARTICLE XVI.

Public Roads, Highways and Internal Improvements.

320. What department is created under this section, and how is it created?
 (a) What additional power is conferred upon the legislature under this section?
 (See section 436. which prohibits the contracting of convict labor.)

ARTICLE XVII.

Counties.

323. What is each county in the state designated?
324. What offices are created in each county?
325. What provision is made for the infirm and unfortunate in each county?
326. How may new counties be created? what limitation is there with respect to voters, area, population, taxable wealth and distance from nearest county seat?
327. Under what circumstances may a county become unorganized?
 (a) In such case, how many terms of the county court shall be held, and what provision is made for a clerk?
328. How long are the towns named in the constitution to remain county seats?
329. How many petitioners must sign a petition for change of county seat?
 (a) What time must elapse before said petitions can be filed?
330. What towns may be placed upon the ticket?
332. Who declares the result of the vote?
333. What percentage must vote for a change where the county seat is within six miles of the geographical center of the county?
 (a) After the year 1909 what percentage must vote for a change?
 (b) How often may such elections be held?
 (c) Under what circumstances may public money be expended prior to 1909?
334. What is the penalty for corruption in county-seat election?
- 335-405. Name the counties and county seats of the state.

ARTICLE XVIII.

Municipal Corporations.

411. What power is conferred upon the legislature by this section?
412. What is said about rights and powers of municipalities?
413. What population is required for a city to frame its own charter?
 (a) How may a city frame its own charter?
 (b) What is the duty of the board of freeholders?
 (c) Shall the charter be published?
 (d) When and for what purpose shall it be submitted to the voters?
 (e) What is the status of the charter when approved by the voters?
 (f) What is then done with the charter?
 (g) How may said charter be amended?
 (In this connection see section 419.)

X

- 414. When and how may an election of said board of freeholders be called?
(a) At said election what question shall be voted upon?
- 415. What provision is made relative to initiative and referendum?
- 416. What number is required to sign the petition for initiative and referendum?
- 417. How may an ordinance be initiated?
- 418. How may an ordinance be referended?
- 419. How may the charter be amended? (In this connection see section 414.)
- 420. How may a franchise be granted, extended or renewed?
- 421. What is the procedure for granting, extending or renewing a franchise?
- 422. What provision is made relative to a municipality engaging in business?
- 423. What is said of the reservation of control by the state over public highways?
(a) What provision is made relative to charges for public services?
(b) What provision is made relative to exclusive franchises?

ARTICLE XIX.

Insurance.

- 424. Under what circumstances may a foreign insurance company engage in business?
- 425. What is said of the payment of fees by foreign insurance companies?
- 427. What tax shall foreign insurance and bond companies pay?
- 428. What classes of insurance companies are exempt from the revenue and tax provisions?
- 429. To whom and how often shall the insurance commissioner pay the fees collected?

ARTICLE XX.

Manufacture and Commerce.

- 430. Under what circumstances may denaturized alcohol be sold?
- 431. What is the flash and specific-gravity test required?

ARTICLE XXI.

Public Institutions.

- 432. What provision is made relative to public institutions?
(See also in this connection article XIII.)

ARTICLE XXII.

Alien and Corporate Ownership of Lands.

- 433. What are the restrictions upon alien ownership of land?
(a) What exceptions are made in this section?
- 434. What are the restrictions upon corporate ownership of land?
(a) What are the three provisos contained in this section?

ARTICLE XXIII.

Miscellaneous.

- 435. In what cases shall eight hours constitute a day's work?
- 436. What provision is made relative to convict labor?
(See in this connection section 320, which provides for building and maintaining public roads and the utilization of convict labor thereon.)
- 437. What provision is made relative to the employment of child labor?
- 438. What provision is made with respect to the employment of women and girls underground?
(a) How many hours constitute a day's work underground?
- 439. What is the power of the legislature in regard to health and safety of employes?
- 440. What provision is made relative to contributory negligence?
- 441. What provision is made relative to personal injuries?
- 442. What provision is made in regard to waiver of rights guaranteed by the constitution?
- 443. What contracts are declared void by this section?
- 444. Under what circumstances may the salary and term of office of a public official be changed?
- 445. Define the races. (See in this connection section 310.)

ARTICLE XXIV.

Constitutional Amendments.

- 446. How may the constitution be amended? give the procedure governing the election.
- 447. What provision is made relative to a new convention?
(a) What is the proviso contained in this section?
- 448. What provision is made relative to amendment by initiative petition?

SCHEDULE.

449. What is the object and purpose of the schedule?
450. What provision is made relative to existing rights, process, etc., at the time of the admission of the state?
451. What provision is made relative to laws of the territory of Oklahoma?
(This provision is a re-enactment of the provisions of the enabling act, sections 530 and 538.)
452. What provision is made relative to debts accruing to the territory of Oklahoma?
453. When shall the constitution take effect?
454. What provision is made relative to notaries public prior to statehood?
455. What offices may female persons hold under the constitution?
(See in this connection section 45, permitting female citizens to vote at school-district elections and meetings.)
456. What became of the property of the territory of Oklahoma under statehood?
457. What provision is made relative to judgments and records in the Indian Territory and Osage Indian reservation?
458. What is said about judgments and records in new counties?
459. What provision is made relative to cities and towns in existence prior to statehood?
(a) What provision is made relative to ordinances?
460. What provision is made relative to taxes for the year 1907?
461. What provision is made relative to public improvements in towns in Indian Territory prior to statehood?
462. Give the title, and dates of approval, of the acts adopted by this section.
(a) What additional duties are conferred upon the chief mine inspector by this section?
463. What provision is made relative to dental surgeons practicing before statehood?
(See also section 112, which authorizes physicians, dentists and pharmacists to register without examination or cost.)
464. What is the salary of the governor?
(a) Of the lieutenant-governor?
(b) Of the secretary of state?
(c) Of the attorney-general?
(d) Of the state treasurer?
(e) Of the state auditor?
(f) Of the state examiner and inspector?
(g) Of the chief mine inspector?
(h) Of the labor commissioner?
(i) Of the commissioner of charities and corrections?
(j) Of the corporation commissioners?
(k) Of the superintendent of public instruction?
(l) Of the insurance commissioner?
465. What is the salary of the supreme judges?
(a) What is the salary of district judges?
466. How is the salary of the officers not enumerated in the two preceding sections provided?
467. What provision is made relative to county and township officers?
(a) When does the term of the county and township officers first elected expire?
(b) What salary do county judges and attorneys receive?
468. What provision is made relative to boards of regents of state institutions at the incoming of statehood?
469. What provision is made concerning property, assets and liabilities of divided counties?
470. What provision is made concerning the property of Day county?
471. What provision is made relative to the seal of the courts?
(a) What provision is made relative to the seals of county officers?
472. To what courts are the records of probate courts transferred?
(a) What provision is made for the transfer of matters appertaining to estates in the Indian Territory?
473. What provision is made relative to the seal of county courts immediately after statehood?
474. Do the provisions of the constitution relating to limitation of indebtedness, apply to debts of cities, counties, etc., incurred prior to statehood?
475. What provision is contained relative to the transfer of cases pending in the supreme court of Oklahoma and the United States court of appeals for the Indian Territory?
(This section is in conformity with the provisions of sections 534, 535, 543; enabling act, sections 17, 18, and amendments thereto, section 2.)
476. What provision is made for the transfer of cases pending in the district courts of Oklahoma and the United States courts of Indian Territory?
(This section is in conformity with the provisions of sections 536, 537,

JUN 17 1908

XII

- 544, being enabling act, sections 19, 20, and amendments thereto, section 3.)
177. What provision is made in the constitution relative to the amendments to the enabling act?
(The act referred to contains the amendments to the enabling act, sections 540-545, inclusive.)
178. What provision is contained relative to the qualifications for district judge at the first election?
179. What are the qualifications for state office at the first election?
180. What provision is contained relative to the taxes of Osage county for 1907?
181. What procedure shall be had where a school district has been divided by reason of statehood?
182. What provision is contained relative to attorneys-at-law prior to statehood?
183. What provision is contained relative to newspapers published at the time of the admission of the state?
184. How is the indebtedness authorized by the constitutional convention to be paid?
(a) What is the proviso contained in this section?
185. What ordinance and article are ratified by this section?
(The ordinance ratified by this section is the election ordinance, which provides for the appointment of a county clerk and county commissioners in each new county, and for the holding of the election to ratify or reject the constitution, and the proposed prohibition article. This ordinance was passed pursuant to the powers conferred upon the constitutional convention by virtue of sections 3 and 21 of the enabling act, sections 505 and 538. The prohibition article may be found at section 499.)
186. What provision is contained relative to invalid indebtedness in cities, etc., prior to statehood?
187. What jurisdiction where counties are divided is conferred upon the supreme court?
(The power, expressly conferred upon the legislature to provide for the equitable division of the property, assets and liabilities of counties, is found in section 469.)
188. Did the laws of Oklahoma relative to qualifications of officers apply to county superintendents elected at the first election under the constitution?
189. When did the terms of officers elected at the first election commence?
190. What provision was made for the qualification of the first officers elected?
191. What provision was made for the bonds of the first officers elected?
192. What provision is made relative to filing the original constitution?
193. When was the constitution adopted by the convention?
194. When the constitution filed with the secretary of the territory of Oklahoma?
195. Why did the convention adopt the constitution of the United States?
197. Why did the convention accept the terms of the enabling act?
(See in this connection section 539.)
199. Give a brief outline of the provisions of the prohibition article.

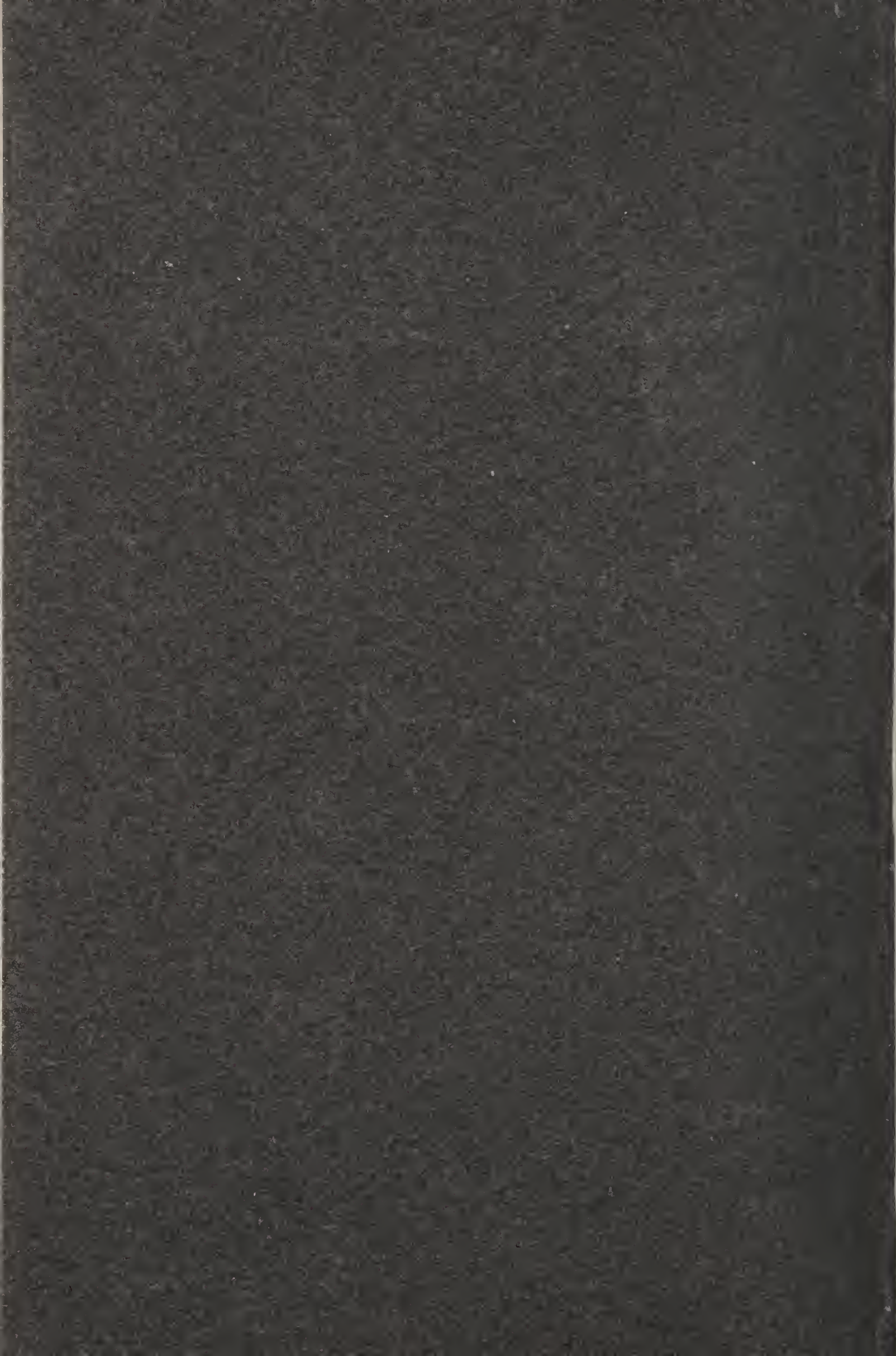
ENABLING ACT.

501. What is the enabling act?
504. How was the election of delegates to the constitutional convention held?
505. What was the convention required to do after it met?
506. What provision in the constitution was made necessary under this section?
507. What provision was made necessary under this section?
508. What provision was made necessary under this section?
509. What provision was made necessary under this section?
510. What provision was made necessary under this section?
511. What provision was made necessary under this section?
514. How many congressmen are we entitled to under the enabling act?
521. What sections of land are granted to the state, and for what purpose are they granted?
522. What money is granted to the state under this section, and for what purpose is it granted?
523. What lands are granted to the state under this section, and for what purpose are they granted?
524. How are sections 13 and 33 to be disposed of? (See also section 527.)
525. What may be done with school lands containing minerals?
526. What disposition may be made of sections 16 and 36?
529. What public lands are granted to the state, and for what purpose are they granted?
539. What condition was made a prerequisite to statehood?

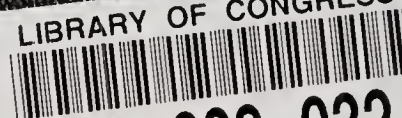
A STUDY OF CIVIL GOVERNMENT

With Special Reference to Oklahoma

EVANS BLINN



LIBRARY OF CONGRESS



0 033 239 032 6